

SENATE.

MONDAY, January 18, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

Mr. H. D. MONEY, a Senator from the State of Mississippi, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

RENTAL OF BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of the 17th ultimo, a statement showing the quarters and buildings rented by the Department of Commerce and Labor in the District of Columbia and the various States and Territories; which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Norfolk Seamen's Friend Society v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of George L. Watkins, Junius F. Watkins, Bettie Hamilton, Lottie E. Kidd, and Louise J. Jones v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 465) to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the congregation of the First Congregational Church of Harvey, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the congregation of the Methodist Episcopal Church of New Bedford, Mass., and a petition of sundry citizens of Haverhill, Mass., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Boston Chamber of Commerce, of Boston, Mass., praying for the enactment of legislation which will admit coal free into the United States coming from countries where no duty is levied on coal of the United States; which was referred to the Committee on Finance.

Mr. PLATT of New York presented petitions of Abel Smith-First Long Island Post, No. 435, of Brooklyn; of Chismore Post, No. 110, of Hion; of B. C. Butler Post, No. 316, of Warren County; of Sawyer Post, No. 333, of Whitesville; of Post No. 449, of York; of Cary W. Mines Post, No. 624, of Georgetown, all of the Department of New York, Grand Army of the Republic, and of sundry citizens of Georgetown, all in the State of New York, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of the Produce Exchange of New York City, praying that an appropriation be made for the deepening of the Harlem (Bronx) Kills to 18 feet from the lower end of Harlem River to Long Island Sound; which was referred to the Committee on Commerce.

He also presented a memorial of the Lake Seamen's Union of Buffalo, N. Y., remonstrating against the enactment of legislation to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce; which was referred to the Committee on Commerce.

He also presented a petition of the Congress Club, of Kings County, N. Y., praying for the ratification of the Panama Canal treaty; which was referred to the Committee on Foreign Relations.

He also presented petitions of the board of supervisors of Jefferson County; of Chemung Valley Grange, Patrons of Husbandry, of Chemung County, and of the board of supervisors of Greene County, all in the State of New York, praying that an appropriation be made for the improvement of the public highways

of the country; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Woman's Home Missionary Society of the Methodist Episcopal Church of Cincinnati, Ohio; of the congregation of the Methodist Episcopal Church of Morristown; of sundry citizens of Poland; of the congregation of the First Congregational Church of Jamestown; of sundry citizens of Brooklyn; of the congregation of the North Presbyterian Church, of Binghamton; of the congregation of the First Swedish Baptist Church of Jamestown, and of the Woman's Missionary Society of Avon, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. QUARLES presented a petition of the Board of Directors of the Merchants and Manufacturers' Association of Milwaukee, Wis., praying for the enactment of legislation providing for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented a petition of the board of directors of the Merchants and Manufacturers' Association of Milwaukee, Wis., praying for the enactment of legislation to establish the post-check system of currency; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Methodist Episcopal Church of Sparta, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Missionary Society of the First Presbyterian Church of Racine, Wis., and a petition of the Woman's Missionary Society of the First Presbyterian Church of La Crosse, Wis., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FOSTER of Washington presented the petition of Richard J. Beall, of Washington, D. C., praying that his claim for damages sustained by reason of the condemnation and taking by the United States of certain land owned by him in the District of Columbia be referred to the Court of Claims for adjudication; which was referred to the Committee on Claims.

He also (for Mr. ANKENY) presented a petition of sundry citizens of Mission, Wash., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. CLAPP presented petitions of Mitchell Post, No. 63; of M. L. Deveraux Post, No. 43; of La Guiga Post, No. 97; of John W. Cochran Post, No. 164; of Booth Post, No. 130; of General Sumner Post, No. 64; of L. P. Plummer Post, No. 50; of B. K. Davis Post, No. 137; of George H. Thomas Post; of Hecker Post, No. 48; of General Hayen Post, No. 177; of L. H. Tenny Post, No. 103; of Stoddard Post, No. 84, all of the Department of Minnesota, Grand Army of the Republic, of Minnesota, and of the German-American Veteran Association of St. Paul, Minn., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. GAMBLE presented the petition of C. P. Creamer and 12 other citizens of Academy, S. Dak., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and Soldiers' Homes; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Retail Implement Dealers' Association of Alexandria, S. Dak., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on the Judiciary.

He also presented a petition of McKenzie Post, No. 34, Department of South Dakota, Grand Army of the Republic, of Chamberlain, S. Dak., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of the Woman's Christian Temperance Union of Highland Park, of the congregation of the Friends' Church of Mount Vernon, of the Woman's Club of Lead, all in the State of South Dakota, and of the Woman's Home Missionary Society of the Methodist Episcopal Church of Cincinnati, Ohio, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. CULLOM presented petitions of Robert T. Harvey Post, No. 606, of Heyworth; of E. N. Kirk Post, No. 656, of Peru; of St. Joseph Post, No. 220, of St. Joseph; of E. L. Gooding Post, No. 401, of Lockport; of G. L. Nevins Post, No. 1, of Rockford; of Darbean Post, No. 329, of Morris; of Martin Post, No. 291, of Gridley; of Dunham Post, No. 141, of Decatur; of Charles E. Hovey Post, No. 786, of Normal; of Dick Johnston Post, No. 381, of Tallula; of Holm Post, No. 195, of Wheeler; of R. M. A. Hawk

Post, No. 406, of Savanna; of Woodruff Post, No. 113, of Washburn; of Benton Post, No. 341, of Benton, and of Geddes Post, No. 142, of Laharpe, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. GALLINGER presented a petition of the New Hampshire Christian Endeavor Union, of Nashua, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. QUAY presented a petition of Local Division No. 102, Order of Railroad Telegraphers, of Philadelphia, Pa., praying for the enactment of legislature to improve the condition of telegraphers in the United States Army; which was referred to the Committee on Military Affairs.

He also presented petitions of the congregation of the Westminster Presbyterian Church, of Greensburg; of the Woman's Missionary Society of the Westminster Presbyterian Church, of Greensburg; of the Woman's Christian Temperance Union of Carlisle, and of the Woman's Home Missionary Society of Conneautville, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. DOLLIVER presented petitions of Osceola Post, No. 173, of Osceola; of Shively Post, No. 421, of Kent; of Custer Post, No. 25, of Cherokee; of N. B. Howard Post, No. 92, of Dewitt; of C. G. Francis Post, No. 181, of Walker; of Albert Rowley Post, No. 193, of Humboldt; of Wayne Post, No. 137, of Humeston; of O. G. Hunt Post, No. 266, of State Center; of E. H. Packard Post, No. 307, of Renwick; of Launtz Post, No. 215, of Ireton; of Winfield Scott Post, No. 66, of Webster City; of Joe Ross Post, No. 209, of Sidney; of Matthew Gray Post, No. 93, of Ida Grove; of Washington Post, No. 135, of Adair; of James Miller Post, No. 503, of Marathon; of W. D. Price Post, No. 392, of Schaeffer; of Bent Post, No. 489, of Sumner; of Tip West Post, No. 75, of Montrose; of General Wilson Post, No. 432, of Kellogg; of Belknap Post, No. 515, of Keokuk; of What Cheer Post, No. 144, of What Cheer; of Waller Post, No. 223, of Milford; of Shield Post, No. 83, of Buford; of Post No. 300, of Ogden; of Belden Post, No. 59, of Missouri Valley; of T. M. Tuttle Post, No. 497, of Ottumwa; of E. D. Baker Post, No. 80, of Marble Rock Post, No. 308, of Marble Rock, and of Allee Post, No. 113, of Manson, all of the Department of Iowa, Grand Army of the Republic, in the State of Iowa, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. DRYDEN presented petitions of the Woman's Missionary Society of Asbury, of the Woman's Christian Temperance Union of Madison, of the congregation of the First Congregational Church of East Orange, of sundry citizens of Morristown, and of sundry citizens of Pluckemin, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. COCKRELL presented a petition of the board of directors of the Southwestern Mercantile Association, of St. Louis, Mo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the board of directors of the Merchants' Exchange of St. Louis, Mo., praying that an appropriation be made for the maintenance of the levee on the upper Mississippi River; which was referred to the Committee on Commerce.

He also presented a petition of the board of directors of the Merchants' Exchange of St. Louis, Mo., praying that an appropriation be made for the improvement of the Mississippi River from St. Louis to St. Paul, so as to secure a navigable channel of 6 feet when the river is not impeded, etc.; which was referred to the Committee on Commerce.

He also presented a petition of the board of directors of the Merchants' Exchange of St. Louis, Mo., praying that an appropriation be made for the improvement of the Mississippi River between the mouth of the Missouri and the mouth of the Ohio in order to secure a 9-foot channel; which was referred to the Committee on Commerce.

Mr. OVERMAN presented a petition of the Young Woman's Christian Temperance Union of Snow Camp, N. C., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. PATTERSON presented petitions of Abraham Lincoln Post, No. 4, of Colorado; of Post No. 81, of Denver; of Post No. 18, of Buena Vista; of Post No. 23, of Colorado; of Anderson Post, No. 96,

of Cripple Creek; of George H. Thomas Post, No. 7, of Fort Collins; of Post No. 106, of Colorado; of Post No. 88, of Colorado, and of Post No. 100, of Colorado, all of the Department of Colorado, Grand Army of the Republic, in the State of Colorado, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Florence; of the congregation of the Methodist Episcopal Church of Fort Lupton; of the congregation of the First Presbyterian Church of Lamar; of the Shakespeare Club, of Georgetown; of sundry citizens of Denver; of the Woman's Christian Temperance Union of Loveland; of the congregation of the Methodist Episcopal Church of Montrose; of the congregation of the Presbyterian Church of Cripple Creek; of the Woman's Christian Temperance Union of Fort Lupton, and of the Ministerial Alliance of Denver, all in the State of Colorado, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented the petition of C. M. Jackson, of Salt Lake City, Utah, praying that the Committee on Privileges and Elections of the United States Senate be instructed to proceed without delay to investigate the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. SCOTT presented a petition of Rear-Admiral J. W. Philip Garrison, No. 61, Army and Navy Union, United States Army, navy-yard, Norfolk, Va., praying for the enactment of a naval retirement law; which was referred to the Committee on Naval Affairs.

Mr. NELSON presented a memorial of the Grays Harbor Trades and Labor Council, American Federation of Labor, of Aberdeen, Wash., remonstrating against the enactment of legislation authorizing the payment of allotment in the coastwise trade; which was referred to the Committee on Commerce.

He also presented petitions of the Sorosis Club, of St. Peter; of the Woman's Home Missionary Society of the Simpson Methodist Episcopal Church, of Minneapolis, and of sundry citizens of Minneapolis, all in the State of Minnesota, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Post No. 182, of Money Creek; of Post No. 78, of Waterville; of Magnard Post, No. 49, of Elysian; of Post No. 110, of Stacy; of Thomas Post, No. 80, of Brainard; of H. H. Edwards Post, No. 135, of Sherburn; of Eugene M. Wilson Post, of New Paynesville; of James M. McKeloy Post, No. 134, of Minnesota, all of the Department of Minnesota, Grand Army of the Republic, and of sundry citizens of Sank Rapids and St. Cloud, all in the State of Minnesota, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. HALE presented a petition of Lodge No. 393, Brotherhood of Railroad Trainmen, of Fort Kent, Me., praying for the enactment of legislation relating to liability of common carriers, etc.; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Frank G. Flag Post, No. 122, Department of Maine, Grand Army of the Republic, of Maine, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Saco, Me., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. DUBOIS presented a memorial of the Woman's Christian Temperance Union of Idaho, remonstrating against the union of the Indian Territory and Oklahoma as one State; which was referred to the Committee on Territories.

He also presented petitions of Charles C. Pierce, chaplain, United States Army, of Fort Myer, Va.; of Rev. L. W. Gowen, of Boise, Idaho; of J. Cardinal Gibbons, of Baltimore, Md.; of Rev. E. P. Giboney, of Lewiston, Idaho; of J. B. Funsten, Bishop of Boise, Idaho, and of W. J. Boone, president of the College of Idaho, Caldwell, Idaho, praying for the enactment of legislation providing for the promotion of chaplains in the Army; which were referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Idaho, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. MCCOMAS presented a petition of A. C. Spicer Post, No. 43, Department of Maryland, Grand Army of the Republic, of Freeland, Md., and a petition of Warren Post, No. 49, Depart-

ment of Maryland, Grand Army of the Republic, of Forest Hill, Md., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a memorial of the Federation of Labor of Baltimore, Md., remonstrating against the enactment of legislation relative to the allotment of wages of seamen; which was referred to the Committee on Commerce.

Mr. PLATT of Connecticut presented a petition of the New Haven and Coastwise Lumber Dealers' Association, of New Haven, Conn., praying for the establishment of a forest reserve in the White Mountains; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Postal Progress League, of New York City, N. Y., praying for the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of New Haven, Conn., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. PENROSE presented petitions of sundry citizens of California, praying for the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Commercial Club of Topeka, Kans., praying for the enactment of legislation to restore the merchant marine; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 2424) to recognize and promote the efficiency of army chaplains, reported it with amendments, and submitted reports thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 2999) granting an increase of pension to Melvina C. Buzzell, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1678) granting an increase of pension to Rudolph Reinhart;

A bill (S. 900) granting an increase of pension to Daniel M. Smith; and

A bill (S. 2429) granting an increase of pension to John Dow.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 990) granting an increase of pension to Harrison W. Fox;

A bill (H. R. 4935) granting an increase of pension to Edward T. Miller;

A bill (H. R. 722) granting an increase of pension to Zechariah B. Stuart; and

A bill (H. R. 907) granting an increase of pension to De Witt C. Parker, alias Clinton J. Parker.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following joint resolution and bill, reported them severally without amendment, and submitted reports thereon:

A joint resolution (S. R. 5) to enlarge the scope of an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893; and

A bill (S. 3157) in relation to business streets in the District of Columbia.

Mr. GIBSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 148) granting an increase of pension to Benjamin H. Smalley; and

A bill (S. 154) granting an increase of pension to Hugh T. Crockett.

Mr. GIBSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2216) granting an increase of pension to Charles Reed;

A bill (S. 153) granting an increase of pension to William W. Turk;

A bill (S. 156) granting an increase of pension to Harriet L. Ford; and

A bill (S. 2217) granting an increase of pension to Henry C. Riggs.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4726) granting an increase of pension to Samuel B. Brightman; and

A bill (S. 133) granting an increase of pension to Elizabeth B. Sarson.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 893) granting an increase of pension to William W. Angelo, reported it with an amendment, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 7666) granting an increase of pension to Laura F. Hine, reported it without amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 227) granting a pension to Margaret Cotter;

A bill (H. R. 2424) granting a pension to Emma Butler; and

A bill (S. 2557) granting a pension to Johniken L. Mynatt.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (S. 2558) granting an increase of pension to Sallie H. Kincaid, reported it with an amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 70) granting an increase of pension to John G. Brown; and

A bill (S. 89) granting an increase of pension to James M. Markham.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 693) granting an increase of pension to Charles W. De Rocher, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 930) granting an increase of pension to Thomas M. Parkison; and

A bill (H. R. 3743) granting an increase of pension to Charles E. Foley.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 3341) authorizing the city of Nome, a municipal corporation organized and existing under chapter 21, Title III, of an act of Congress approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes," to construct a free bridge across the Snake River at Nome City, in the Territory of Alaska, reported it with an amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2948) granting an increase of pension to George Hyde; and

A bill (S. 2087) granting an increase of pension to George Rilea.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 312) granting an increase of pension to John F. Oviatt, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 317) granting an increase of pension to Mortimer Hallet, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 468) granting an increase of pension to Henry Christy, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2841) granting a pension to Jane Patterson, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7370) granting an increase of pension to Andrew Ivory;

A bill (H. R. 1184) granting an increase of pension to William F. Longenhagen;

A bill (H. R. 5005) granting an increase of pension to Worthington S. Lock;

A bill (H. R. 1517) granting an increase of pension to George W. Hutchison; and

A bill (H. R. 5246) granting an increase of pension to Sebastian B. Elliott.

Mr. McCUMBER, from the Committee on Pensions, to whom

were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3291) granting an increase of pension to John Olson Bakken, alias John Olson;

A bill (S. 3400) to amend the act entitled "An act granting a pension to Flora Stanton Kalk," approved February 25, 1899;

A bill (S. 3423) granting an increase of pension to Joseph H. Ottey;

A bill (H. R. 5521) granting an increase of pension to Charles S. Clark;

A bill (H. R. 2616) granting an increase of pension to Joseph K. Welt;

A bill (H. R. 5010) granting a pension to Mary F. Hamilton;

A bill (H. R. 3821) granting an increase of pension to Hannah Padgett, now Riley;

A bill (H. R. 6441) granting an increase of pension to Peter Fillion;

A bill (H. R. 4319) granting an increase of pension to John Sexton;

A bill (H. R. 196) granting a pension to Grace E. Carson;

A bill (H. R. 5719) granting an increase of pension to Forbes Homiston;

A bill (H. R. 1288) granting an increase of pension to Jason Stevens; and

A bill (H. R. 2991) granting an increase of pension to Lydia A. Topping.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2441) granting an increase of pension to Frank Lee;

A bill (S. 2561) granting an increase of pension to Mathias S. Friend;

A bill (S. 2239) granting an increase of pension to Theodore E. Chatfield;

A bill (H. R. 3903) granting an increase of pension to George C. Sherman;

A bill (S. 2445) granting an increase of pension to George M. Waters; and

A bill (H. R. 958) granting an increase of pension to Alfred H. Rogers.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2239) granting a pension to Louisa R. Chitwood; and

A bill (S. 1627) granting an increase of pension to Alonzo R. Kibbe.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 2878) authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. DUBOIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2324) for the extension of Vermont avenue from Florida avenue to Howard University, reported it with amendments, and submitted a report thereon.

COMPILATION OF NAVAL APPROPRIATION LAWS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the compilation presented by Mr. HALE on the 15th instant, reported the following order; which was considered by unanimous consent, and agreed to:

Ordered, That the compilation of the Annual Naval Appropriation Laws from 1883 to 1903, including the Provisions for the Construction of all Vessels of the New Navy, be printed as a document.

SECOND ANNUAL REPORT OF RECLAMATION SERVICE.

Mr. PLATT of New York, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates and to bind 2,500 copies of the Second Annual Report of the Reclamation Service, of which 750 copies shall be for the use of the Senate, 1,250 copies for the use of the House of Representatives, 200 copies for the use of the Department of the Interior, and 300 copies for the use of the United States Geological Survey.

REPORT ON IRRIGATION IN UTAH.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 28) authorizing the printing of additional copies of Agricultural Bulletin No. 124, being a report on irrigation in Utah, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the joint resolution, as follows:

Resolved, etc., That there shall be printed from the stereotype plates of the Report of Irrigation Investigation in Utah, under the direction of Edward

Mead, chief of irrigation investigation, Office of Experiment Stations, Department of Agriculture, 4,000 copies, of which 400 shall be for the use of the Senate, 600 for the use of the House of Representatives, and 3,000 for the use of the Department of Agriculture.

There being no objection, the resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FIRST ANNUAL REPORT OF RECLAMATION SERVICE.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from California [Mr. BARD] providing for printing copies of the First Annual Report of the Reclamation Service, to report it with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendments of the Committee on Printing were, in line 2, before the word "thousand," strike out "five" and insert "two;" in the same line, after the word "thousand," insert "five hundred;" in line 4, before the word "thousand," strike out "two" and insert "one;" in line 5, before the word "thousand," strike out "three" and insert "one;" and in line 6, before the word "copies," insert "five hundred;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,500 copies of the First Annual Report of the Reclamation Service, from June 17 to December 1, 1902, with the accompanying maps, of which 1,000 copies shall be for the use of the Senate and 1,500 copies for the use of the House of Representatives.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

REPORT OF COMMISSION ON INTERNATIONAL EXCHANGE.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. ALDRICH on the 11th instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 10,000 copies of the Report of the Commission on International Exchange and the appendixes thereto, being House Document No. 144, Fifty-eighth Congress, second session, 2,000 of which shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 4,000 for the use of the Commission on International Exchange.

MARY D. DUVALL.

Mr. SCOTT. I am directed by the Committee on Pensions, to whom was referred the bill (S. 782) granting a pension to Mary D. Duvall, to report it favorably with an amendment and to submit a written report, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Pensions was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary D. Duvall, widow of Isaac H. Duvall, late brigadier-general, United States Volunteers, and pay her a pension at the rate of \$30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN WEST VIRGINIA.

Mr. PLATT of Connecticut. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 1935) providing for the holding of an additional court in the northern district of West Virginia at Martinsburg, W. Va., to report it favorably with a formal amendment. I suppose a bill of this kind may well be considered upon the presentation of the report, and I ask for its present consideration.

The Secretary read the bill.

Mr. BURTON. Under what order are we proceeding?

The PRESIDENT pro tempore. The order of reports of committees.

Mr. PLATT of Connecticut. This is simply a bill providing for an additional term of court in a district. It will take but a minute.

Mr. BURTON. Very well.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on the Judiciary was, in line

5, after the word "additional," to insert the words "term of;" so as to make the bill read:

Be it enacted, etc., That in addition to the courts heretofore held in the northern district for the State of West Virginia there shall be held an additional term of court at Martinsburg, W. Va., on the second Tuesday in May in each year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the holding of an additional term of court in the northern district of West Virginia at Martinsburg, W. Va."

DESECRATION OF THE FLAG.

Mr. PLATT of Connecticut. I ask that the Committee on the Judiciary be discharged from the further consideration of the bill (S. 20) to prevent and punish the desecration of the flag of the United States, and that it be referred to the Committee on Military Affairs. In the last Congress a similar bill was before the Committee on Military Affairs, and a report was made on it by that committee. I understand that the committee will be glad to consider the bill at the present session.

The PRESIDENT pro tempore. The Committee on the Judiciary will be discharged from the further consideration of the bill, and it will be referred to the Committee on Military Affairs, there being no objection.

BILLS INTRODUCED.

Mr. TALIAFERRO introduced a bill (S. 3478) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as the "Moat," for school purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3479) making provision for conveying in fee certain public grounds in the city of St. Augustine, Fla., for school purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Education and Labor.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3480) granting an increase of pension to Swepston B. W. Stephens;

A bill (S. 3481) granting an increase of pension to J. E. Harrison; and

A bill (S. 3482) granting an increase of pension to Alfred H. Le Fevre.

Mr. MALLORY introduced a bill (S. 3483) granting an increase of pension to Charles Pfrang; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 3484) to amend section 2165 of the Revised Statutes of the United States, relative to naturalization; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3485) granting an increase of pension to Elizabeth Bedford; which was read twice by its title, and, with accompanying papers, referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 3486) to provide for the withdrawal, free of duty under bond, for incorporated institutions established for religious, philosophical, educational, scientific, or literary purposes, of articles and materials exhibited at the Louisiana Purchase Exposition; which was read twice by its title, and referred to the Committee on Finance.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3487) granting a pension to Joseph Rever; and

A bill (S. 3488) granting an increase of pension to Charles E. McIntire.

Mr. HANNA introduced a bill (S. 3489) granting a pension to Annie Colt McCook; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GAMBLE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 3490) granting an increase of pension to Bucklin H. Wood;

A bill (S. 3491) granting an increase of pension to Andrew J. Howe;

A bill (S. 3492) granting an increase of pension to John Whelan; and

A bill (S. 3493) granting an increase of pension to John C. Van Campen.

Mr. SCOTT introduced the following bills; which were sever-

ally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3494) granting an increase of pension to George H. Zinn (with an accompanying paper);

A bill (S. 3495) granting a pension to W. B. Cook;

A bill (S. 3496) granting a pension to P. S. Cook; and

A bill (S. 3497) granting a pension to Bryant T. Moore (with an accompanying paper).

Mr. HOPKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3498) granting an increase of pension to F. L. Ferguson;

A bill (S. 3499) granting an increase of pension to Samuel E. Lookingbill;

A bill (S. 3500) granting an increase of pension to Orrin L. Mann;

A bill (S. 3501) granting a pension to Elizabeth B. Constant; and

A bill (S. 3502) granting an increase of pension to Joseph W. Willis.

Mr. HOPKINS introduced a bill (S. 3503) to amend the record of Maj. John Murphy; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 3504) to pay \$110 attorney's fees to A. Y. Trogdon, of Paris, Ill.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BURTON introduced a bill (S. 3505) granting an increase of pension to Ruth Burton Pruitt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCCOMAS introduced a bill (S. 3506) for the relief of Job Barnard, administrator of the estate of Robert H. Ryan, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3507) granting an increase of pension to John E. Maxwell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3508) for the recognition of the military service of noncommissioned officers and enlisted men of the United States Volunteers as commissioned officers in certain State military organizations;

A bill (S. 3509) providing for the promotion to the rank of lieutenant-general major-generals on the retired list who commanded brigades in the Army between 1861 and 1865; and

A bill (S. 3510) to correct the military record of Isaac A. Kase.

Mr. PENROSE introduced a bill (S. 3511) to establish lights on the Monongahela River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3512) providing for a site and building for a custom-house in the city of Philadelphia, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3513) to add a corps of dental surgeons to the Bureau of Medicine and Surgery of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3514) to equalize the rank and pay of certain retired officers of the Navy and Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3515) granting a pension to Rebecca L. Price;

A bill (S. 3516) granting a pension to Ida A. Douglass; and

A bill (S. 3517) granting an increase of pension to John B. Hammers (with an accompanying paper).

Mr. PENROSE introduced a bill (S. 3518) to prevent Sunday banking in post-offices in the handling of money orders and registered letters; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. QUARLES introduced a bill (S. 3519) granting a pension to Ruby A. Stirdivant; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3520) to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Manitowoc, Wis.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3521) granting an increase of pension to James K. Rooney (with accompanying papers); and

A bill (S. 3522) granting an increase of pension to Samuel J. Dennison (with accompanying papers).

Mr. QUAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3523) granting an increase of pension to Joseph W. Butz; and

A bill (S. 3524) granting an increase of pension to Joseph Greist.

Mr. COCKRELL introduced a bill (S. 3525) for the relief of James Fears; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition and affidavit of James Fears, together with the certificate of county officers and official certificate of circuit clerk of Reynolds County, Mo., as to the claimant and his witnesses. I move that the bill and accompanying papers be referred to the Committee on Claims.

The motion was agreed to.

Mr. GORMAN introduced a bill (S. 3526) granting an increase of pension to Elizabeth W. Eldridge; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3527) granting an increase of pension to Jerminham Boone; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 3528) for the relief of Henry C. Block; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3529) for the relief of Anne C. Livingston; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 3530) to provide for the construction of a light-house and buoy tender for the inspector of the eleventh light-house district; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GALLINGER introduced a bill (S. 3531) for the extension of Massachusetts avenue extended northward between Joliet street and Fairview Heights subdivision, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (for Mr. GIBSON) introduced a bill (S. 3532) to provide for the payment of certain claims against the District of Columbia, in accordance with the act of Congress approved July 19, 1897; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PLATT of Connecticut introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3533) granting a pension to Harriet H. Crissey (with an accompanying paper);

A bill (S. 3534) granting an increase of pension to John S. Parker; and

A bill (S. 3535) granting an increase of pension to John Walton.

Mr. LODGE introduced a bill (S. 3536) to authorize the United States Commissioner of Fish and Fisheries to convey certain land to Joseph S. Fay, jr., Sarah B. Fay, and Henry H. Fay; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Fisheries.

He also introduced a bill (S. 3537) for the relief of the Bath Iron Works and others; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3538) to purchase a painting of the several ships of the United States Navy, known as the "Squadron of Evolution" and entitled "Peace," which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 3539) for the relief of Samuel M. Blair; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 3540) to limit the jurisdiction of the district and circuit courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3541) to fix the fees of court criers, bailiffs, and witnesses in attendance upon the United States courts in Georgia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HALE introduced a bill (S. 3542) granting an increase of pension to Algernon A. Worster; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3543) granting an increase of pension to John M. Berkey;

A bill (S. 3544) granting an increase of pension to George W. Phillips; and

A bill (S. 3545) granting an increase of pension to David F. Crampton.

Mr. HANSBROUGH introduced a bill (S. 3546) relating to proofs under the homestead laws, and to confirm such proofs in certain cases when made outside of the land district within which the land is situated; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. FAIRBANKS submitted an amendment proposing to appropriate \$20,000 for experimental telephone delivery of special rural mail matter, intended to be proposed by him to the Post-Office appropriation bill; which was ordered to lie on the table and be printed.

Mr. PLATT of Connecticut (for Mr. HAWLEY) submitted an amendment intended to be proposed by Mr. HAWLEY to the bill (S. 276) to provide for the celebration of the one hundredth anniversary of the exploration of the Oregon country by Captains Meriwether Lewis and William Clark during their expedition from the Mississippi River to the Pacific Ocean in the years 1804, 1805, and 1806; and to authorize a commission representing the United States to hold at the city of Portland, in the State of Oregon, a national, international, and oriental exhibition of arts, industries, manufactures, and the products of the rivers, soil, mine, forest, and sea in said State; and to provide and assist in the erection of a memorial building in said city of Portland to be known as the Lewis and Clark Memorial Building; and to authorize an appropriation for all said purposes; which was referred to the Select Committee on Industrial Expositions, and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on this day approved and signed the act (S. 2300) to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Grays Point, Missouri," approved January 26, 1901.

LAND-ENTRY CASES.

Mr. PETTUS. Mr. President, I offer a resolution, and I desire to explain the necessity for it.

There are a large number of very small claims against the United States on account of lands purchased and paid for when the lands belonged to railroad grants or were otherwise not salable. In 1867 a law was passed that no claim against the United States should be paid where the claimant was not a loyal citizen and had not been during the civil war. But on the 16th day of June, 1880, another law was passed, and I will read one section of it:

SEC. 2. In all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and can not now be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same, upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office, and in all cases where parties have paid double minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, the excess of \$1.25 per acre shall in like manner be repaid to the purchaser thereof, or to his heirs or assigns.

This paper I hold in my hand is a circular issued by the Commissioner of the General Land Office to carry that law into effect, prescribing the oaths that shall be taken strictly in conformity with that act. But the Comptroller of the Treasury decides that before this money can be refunded, which is generally from \$40 to \$125, the party must assert and prove his loyalty to the Government during the civil war under the former act. The purpose of this inquiry is to correct that practice in some way.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Interior is directed to communicate to the Senate the facts in the case of Calvin A. Stanfield for the repayment of the purchase money of land erroneously sold, and the decision of the Interior Department in said case; and if the money was not refunded to said Stanfield, to state fully the facts concerning said case, so as to inform the Senate why said purchase money was not repaid as ordered, and state the subsequent ruling of the Land Office on the question involved in said case.

SHIP CANAL BETWEEN NEWARK AND NEW YORK BAY.

Mr. DRYDEN submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, requested to cause a survey to be made for a ship canal extending from a point in the city of Newark, N. J., below the junction of the Pennsylvania and Lehigh Valley railroads, through the Newark Meadows and Newark Bay to New York Bay, said ship canal to have a width of 300 feet and a depth of 35 feet, and to report such survey to Congress, together with an estimate of the cost of the same.

OREGON STATE CLAIMS.

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Claims, and ordered to be printed:

Resolved, That the bill (S. 3143) entitled "A bill to refer to the Court of Claims the war claims of the State of Oregon," now pending in the Senate,

together with all the papers which in any wise relate thereto, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887 (24 U. S. Stat., p. 505); and the said court shall proceed with the same in accordance with the provisions of said act and report to the Senate in accordance therewith.

PRINTING FOR COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. BURROWS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Privileges and Elections be given leave to print, from time to time during the second session of the Fifty-eighth Congress, the hearings held before the committee.

SERVICE PENSIONS.

Mr. DOLLIVER. I ask that an order may be made for the reprinting of the bill (S. 3458) granting pensions to certain soldiers and sailors who served in the war of the rebellion and their widows, the copies being exhausted, as I understand.

The PRESIDENT pro tempore. The Senator from Iowa asks for an order for reprinting the bill which he has named. Is there objection? The Chair hears none, and that order will be made.

REPUBLIC OF PANAMA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table and be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a report from the Secretary of State covering copies of additional papers bearing upon the relations of the United States with Colombia and the Republic of Panama.

THEODORE ROOSEVELT.

WHITE HOUSE, January 18, 1904.

POST-OFFICE DEPARTMENT INVESTIGATION.

The PRESIDENT pro tempore. The Chair lays before the Senate the several resolutions relative to an investigation of the Post-Office Department and the amendments offered thereto, the pending question being on the motion to refer the resolutions and amendments to the Committee on Post-Offices and Post-Roads.

Mr. HALE. Mr. President, it has, I think, been settled by general consent that all the resolutions coming from different Senators relating to the Post-Office Department in the way of investigation shall be sent to the Committee on Post-Offices and Post-Roads for its action. I agree that that is a suitable way to proceed.

The resolutions are various, covering different ways of proceeding, and there has never, so far as I know, been any disposition to prevent further investigation or to stifle it. But there has been a general feeling, certainly upon this side of the Chamber, that where so many things in so many ways are asked, rather than pass resolutions committing the Senate to diverse projects, it would be better to refer them all to the committee.

The chairman of the committee, the Senator from Pennsylvania [Mr. PENROSE], has stated that the subject will receive early attention, and will in due time be reported in some form to the Senate. I do not understand that he has promised any specific thing, except that his committee will give the subject consideration. So the disposition of the resolutions for the time being has been settled. But as there has been more or less disposition shown by some Senators to doubt the efficacy and completeness of the investigation entered upon by the Post-Office Department, and now in progress, and as there has been some assertion that upon this side there is an attempt and a purpose to stifle further investigation, it has seemed to me fitting that some attention should be called to the actual situation to-day and to the investigation already set on foot and conducted by the Post-Office Department, with a thoroughness and, indeed, severity for which there is no example in the history of the Government.

Going back about a year or rather more, when attention was first called and aroused in the Department to certain grievances, wrongdoings, and malfeasances in the Department, and when at once prompt action was taken by the Postmaster-General, and an appropriation was made by Congress for the purpose of ferreting out and detecting and bringing to light and punishing these grievances and malfeasances and offenses at law—if they should so prove—the Department took the subject up with great seriousness and earnestness, and has followed it from that day to this with an unerring and, I may say, unrelenting hand.

I took it as a matter of good omen, Mr. President, that the country at once became interested in this situation and in this investigation.

A great Department of the Government, coming nearer to the people, perhaps, than any other in its everyday life, was suddenly disclosed to the public as being the harboring place of men in high position in the Department who had taken advantage of their position and the confidence reposed in them to do various things which were wrong, illegal, infamous, and the whole country at once directed its attention, and the public took notice of what was going on. I thought that was a good omen. I have no

doubt I agree with my friend the Senator from Maryland [Mr. GORMAN] that it was a good sign that the people for once were interested in things near at home, in the operations of the Government at home, and that some things were of importance that involved the condition of affairs of public service in the United States; that we were not alone interested in wars thousands of miles away, actual or prospective; that we were not interested in taking a position that would involve us in those wars; and while the newspapers did not give such prominence to these investigations as was given to reports of coming and probable wars far away, still there was interest felt in them. I felt that it was a good omen that the public was interested in these investigations that were going on.

When we came here in December I think there was a general feeling of satisfaction and gratification and gratitude on the part of the public that the Post-Office Department—the Postmaster-General, backed up by the President and sustained by his inferior officers—had followed this thing with an unwavering purpose. But so soon as we assembled, resolutions were submitted by one Senator and another, all demanding more investigation, and when submitted or when debated always carrying with them the double idea that the investigations already set afoot were not sufficient—were not probing deep enough—and that there was a disposition on the part of Senators on this side of the Chamber to prevent or stifle further investigation.

The Senator from Georgia [Mr. CLAY] was troubled because of the apparition of Mr. Perry Heath in this matter, and wanted that looked into. The Senator from North Carolina [Mr. SIMMONS] discovered that whatever there was of loot, of plunder, in this case really came from the public Treasury, from the taxes of the people—not a new discovery; but that troubled him. The Senator from Maryland [Mr. GORMAN], finding himself, perhaps to his surprise, on the Post-Office Committee, and from his long service here and from his ability in conducting legislation matters, naturally took upon himself the rôle of prosecutor of the Republican party for its delinquencies in these investigations.

Mr. GORMAN. Mr. President, will the Senator from Maine pardon me for a moment?

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Maryland?

Mr. HALE. Certainly.

Mr. GORMAN. I confess my great surprise that the Senator from Maine should come to such a conclusion as that he has just stated. I am quite certain it was far from my purpose to become a prosecutor in this case, and nothing that I have uttered, I think, will bear such a construction.

What I have said was that the attorneys, eminent men appointed by the President himself, had suggested that the investigation of a part of this subject was incomplete, and that it ought to be pursued further. I said that I thought there ought to be no hesitation in having that examination made not exclusively by gentlemen connected with the present Administration; that the chief end I had in view was not only to discover if there were further or other frauds, but that we might have sufficient light through the Post-Office Committee to provide legislation which would prevent a recurrence of the frauds which have been charged. That was my attitude.

Mr. HALE. I do not find fault with that statement of the Senator; only accompanying that—and with that I do not find fault; I am only reciting what took place—accompanying that position of the Senator was the iteration and reiteration on his part that he had never seen in his service any such attempt to prevent an investigation as was shown upon this side of the Senate in this matter.

When I used the phrase "public prosecutor," I accompanied it with the words "of the Republican party." I do not say that the Senator assumed the rôle or took the rôle, but it naturally fell upon him. That I do not find fault with. I am glad it is in such able hands—not as the public prosecutor of these cases and these investigations, but of this side of the Chamber, as objecting to and opposing and stifling further investigation.

Mr. GORMAN. Now, Mr. President, will the Senator yield to me for a single remark?

Mr. HALE. Yes.

Mr. GORMAN. The Senator and I have served long together and we have never, on any occasion, misrepresented each other.

Mr. HALE. And I presume we never shall.

Mr. GORMAN. It never shall be on my part, at all events. I made the statement because of facts that for a month and a half the attempt had been made by the chairman of the Committee on Post-Offices and Post-Roads [Mr. PENROSE], by the Senator from Tennessee [Mr. CARMACK], and by myself to secure the passage of a resolution to accomplish what I stated a moment ago; whereupon the junior Senator from Massachusetts [Mr. LODGE], speaking, as we naturally supposed from recent occurrences on the other side of the Chamber, by authority, certainly with greater

power, as it appears, than any other voice that has been raised in the Senate since my reentry, informed us promptly, bluntly, and frankly that the Republican party would not permit the information to be given which we desired to obtain, except by the permission of that party—a most extraordinary statement, and one which shocked me.

Such a statement was new to me in this body. Naturally we resented it, and I stated that that was a course of procedure that was destructive of the Government and one that ought not to be tolerated in the Senate by the Republican party, which has a majority of nearly two-thirds in this body. I stated that, and that only.

Mr. HALE. Well, the Senator must carry on that controversy with the Senator from Massachusetts himself.

Mr. GORMAN. I will, if the Senator from Maine does not father it.

Mr. HALE. I have said already that it was thought better and wiser, instead of passing these resolutions, to refer them to the Committee on Post-Offices and Post-Roads, and let that committee report upon them.

Mr. GORMAN. We all agree to that now.

Mr. HALE. That we all agree to now.

Mr. President, it is worth while to go back and to see in what spirit, to what extent, and to what end, if it has yet been reached, the Department has searched into, followed up, exposed and expelled, indicted and punished the offenders in this case, for that must be the end and aim of all investigations—to search out, to find, to expose, to expel, and to punish.

Mr. CLAY. Mr. President, will the Senator permit me to ask him a question?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Yes.

Mr. CLAY. Does the Senator think that all the guilty parties have been exposed, that all the guilty parties have been indicted, and that all the guilty parties will be punished?

Mr. HALE. Well, Mr. President—

Mr. CLAY. Does the Senator think that, in accordance with the report of the Fourth Assistant Postmaster-General, there are not some in high places who may have been exposed but have not been indicted?

Mr. HALE. Well, Mr. President, I think this: The investigation is going on; the Department is committed to it by every energy that it can summon, and whether it has been completed or not I do not know. I doubt if the ultimate line and range has been reached, but that it will be reached I have no doubt; that there are men who perhaps have not yet been detected, but who ought to be and will be punished, I can not say; but I do say, Mr. President, that in the object which I have indicated there has never been in the history of this Government so thorough, so complete, so severe an investigation, followed by the results which I have indicated, as this one.

It has only been going on a little more than a year. The best energies of the Postmaster-General have been directed to it; the best men that he could summon to his aid in the Department, his subordinates, have been put on the track of every one of these grievances, malfeasances, and offenses, and they have been followed. The only complaint I have heard is from the friends of the accused; of a "relentlessness," to use their words, such as never has been, as they claim, shown before.

Mr. President, I have seen something of Congressional investigations in my thirty years and more of service in the two Houses of Congress. I saw the investigation into the Union Pacific Railroad—the Crédit Mobilier—the investigation into the Pacific mail subsidy, the investigation into contracts in the District of Columbia, the investigation into the post-tradership scandal, the investigation into contracts for armor plates, and the later investigation, as I am reminded, of the sugar trust, and the star-route investigation, and others. Putting them all together, Mr. President, diverse as they were, covering almost every imaginable subject, being of great importance, in the one result of detecting and exposing and indicting and punishing all of these combined do not stand in magnitude for one moment with what the Post-Office Department has done in this great investigation which it has conducted.

Yet Congress was behind those investigations, and there was more or less public interest. They involved great transactions, in some cases much greater in amounts of money than this; but the history is this, and I say the Department should be credited with it, and the President, who has backed up the Postmaster-General day in and day out, night in and night out, in the conferences and the vigils which they have kept upon this subject-matter, should be credited, and are, as I believe, credited by the public with these great results in these investigations.

I was myself, as I have no doubt others were, surprised when I found the thoroughness of this investigation as disclosed in the

report of the Postmaster-General in the matter of the investigation of the Post-Office Department submitted to the other House, including as its main subject-matter the complete report of the Fourth Assistant Postmaster-General.

These investigations, Mr. President, penetrated broad and large; they searched as with fire the Post-Office Department; they went out into State after State and followed the course of proceeding in the transactions that had been conducted through offending subordinates in the Department, with men outside who were in equal complicity with them against the law. When once on the track in any case the track was never abandoned; the trail never grew too fresh for the Post-Office Department. I find here recited by the Postmaster-General a list, which certainly is illuminating as showing what has been done by this great investigation. The Department summoned its chief detectives; it took them from other work, useful work, and set them upon this work of following and finding these offenders and their offenses; it put into the field inspectors in charge of four divisions, seven in number; it put in local inspectors in the cities, eighteen in number; it put in all its field inspectors, who traversed the country broad and large, who took testimony, affidavits, interviews, and gained knowledge of facts, seventeen in number.

Mr. President, as a result they secured resignations that were forced, four in number; removals, thirteen in number; and indictments found in the courts of the country against those offenders, both in and out of the Departments, sixty-four in number. Here is the list, Mr. President, of the official detectives employed. First is a list of resignations and removals which followed and the indictments which resulted:

James N. Tyner, Assistant Attorney-General for Post-Office Department; appointed special agent, Post-Office Department, March 7, 1861; with intervals of a few years has been in the service ever since, and was Postmaster-General under President Grant for several months; he was removed April 22, 1903; he has since been indicted three times.

A. W. Machen, general superintendent free-delivery system; appointed clerk in post-office at Toledo, Ohio, March 1, 1887; continuously in service ever since save for three years; removed May 27, 1903; has since been indicted fourteen times.

George W. Beavers, general superintendent of salaries and allowances; appointed to clerkship in New York post-office January, 1881; continuous service ever since; resignation accepted to take effect March 31, 1903; has since been indicted eight times.

James T. Metcalf, superintendent money-order system; appointed post-office inspector February 2, 1882; has been in postal service ever since; removed June 17, 1903; has been indicted once.

Daniel V. Miller, assistant attorney, Post-Office Department; appointed July 1, 1902; removed May 25, 1903; indicted once; after one mistrial was retried and acquitted.

Louis Kempner, superintendent registry system; appointed clerk in New York post-office August, 1886; removed October 21, 1903.

Charles Hedges, superintendent city free-delivery service; appointed assistant-superintendent free-delivery service July 1, 1888; removed July 22, 1903.

James W. Erwin, assistant superintendent free-delivery service; appointed post-office inspector June 27, 1887; removed September 15, 1903; indicted once.

W. Scott Towers, superintendent Station C. Washington, D. C.; appointed clerk, Washington post-office, November, 1890; removed October 1, 1903; indicted three times.

Otto F. Weis, assistant superintendent registry division, New York post-office; appointed clerk, New York post-office, June, 1890; removed October 21, 1903.

T. W. McGregor, clerk, free-delivery division, in charge of supplies; appointed Post-Office Department, March 11, 1891; removed June 5, 1903; indicted twice.

C. E. Upton, clerk, free-delivery division; appointed July 1, 1900; removed June 5, 1903; indicted once.

M. W. Louis, superintendent supply division; appointed Kansas City post-office, April 17, 1897; removed October 21, 1903.

Charles B. Terry, clerk, supply division; appointed September 20, 1900; removed October 21, 1903.

A more detailed list is given, as follows:

LIST OF INSPECTORS EMPLOYED ON THE INVESTIGATION.

W. E. Cochran, chief inspector.

Inspectors in charge of divisions.—Martin C. Fosnes, St. Paul; Paul E. Williams, Chattanooga; William J. Vickery, Cincinnati; Joe P. Johnston, New Orleans; George D. Linn, Spokane; John R. Harrison, Kansas City; Lawrence Letherman, Boston.

City inspectors.—Walter S. Mayer, Chicago; George M. Sutton, Washington; Ervin H. Thorp, New York; James O'Connell, San Francisco; Frank E. Little, New York; Abraham R. Holmes, Cincinnati; Frank M. Hamilton, New Orleans; Robert M. Fulton, St. Louis; Joseph D. Farrell, Chicago; John D. Sullivan, St. Louis; Michael H. Boyle, New York; Charles H. Thomas, Chicago; Edward L. McKee, Kansas City; Charles E. Crowell, Brooklyn; William B. Snow, Boston; James T. Cortelyou, Jersey City; Albert E. Furniss, Washington; Walter B. Platt, St. Louis.

Field inspectors, with division to which assigned.—Rush D. Simmons, Kansas City; Confucius L. Wayland, Spokane; Lake Jones, Chattanooga; Edwin A. Niess, Boston; John F. Oldfield, Cincinnati; Emmons Rolfe, New Orleans; Hardy T. Gregory, Chattanooga; Nathan Noile, St. Paul; George F. H. Birdseye, Boston; James E. Bennett, Denver; William E. Greenaway, Chattanooga; John W. Bulla, Washington; James J. Smyth, Chattanooga; Harry B. Hall, San Francisco; William M. Ketcham, Chicago; Sherman C. Kile, Cincinnati; George W. Holloway, jr., Chicago.

RESIGNATIONS.

George W. Beavers, General Superintendent of Salaries and Allowances. Appointed to clerkship in New York post-office January, 1881. Resignation accepted to take effect March 31, 1903.

G. A. C. Christancy, assistant attorney, Post-Office Department. Appointed January 1, 1901. Resignation accepted October 12, 1903.

Charles T. McCoy, assistant superintendent, Free-Delivery Service. Appointed post-office inspector March 18, 1898. Resignation accepted October 17, 1903.

William H. Landvoigt, superintendent, classification division. Appointed temporary messenger August 6, 1875. Resignation accepted October 24, 1903.

REMOVALS.

James N. Tyner, Assistant Attorney-General for the Post-Office Department. Appointed special agent, Post-Office Department, March 7, 1861. Removed April 22, 1903.

Daniel V. Miller, assistant attorney, Post-Office Department. Appointed July 1, 1902. Removed May 25, 1903.

James T. Metcalf, Superintendent Money-Order System. Appointed post-office inspector February 2, 1882. Removed June 17, 1903.

A. W. Machen, General Superintendent Free-Delivery System. Appointed clerk in post-office at Toledo, Ohio, March 1, 1887. Removed May 27, 1903.

Charles Hedges, superintendent of city free-delivery service. Appointed assistant superintendent Free-Delivery Service July 1, 1898. Removed July 22, 1903.

James W. Erwin, assistant superintendent Free-Delivery Service. Appointed post-office inspector June 27, 1887. Removed September 16, 1903.

Louis Kempner, superintendent, Registry System. Appointed clerk in post-office at New York, N. Y., August, 1883. Removed October 21, 1903, as recommended.

W. Scott Towers, superintendent Station C, Washington, D. C. Appointed clerk, Washington post-office, November, 1890. Removed October 1, 1903.

Otto F. Weiss, assistant superintendent, registry division, New York, N. Y., post-office. Appointed clerk, New York post-office, June, 1890. Ordered removed October 31, 1903.

T. W. McGregor, clerk, free-delivery division, in charge of supplies. Appointed post-office clerk, March 11, 1881. Removed June 5, 1903.

C. E. Upton, clerk, free-delivery division. Appointed July 1, 1900. Removed June 5, 1903.

M. W. Louis, Superintendent of Supply Division. Appointed cashier Kansas City, Mo., post-office, April 17, 1897. Removed October 21, 1903, as recommended.

Charles B. Terry, clerk, supply division. Appointed temporary clerk September 20, 1900. Removed October 21, 1903.

Many of these persons have been separated from the service since they were first appointed, but only the original appointments have been given.

Persons indicted and number found against each.

Name.	Number of indictments.	Name.	Number of indictments.
Machen, A. W.	14	Hallenbeck, H. C.	2
Beavers, George W.	8	Doremus, W. D.	2
Green, George E.	5	Scheble, Eugene D.	2
Barrett, H. J.	5	Crawford, Wm. G.	2
Groff, Diller B.	3	Upton, C. E.	1
Groff, Samuel A.	3	Runkle, Maurice	1
Tyner, James N.	3	Metcalf, James T.	1
Long, William C.	3	Metcalf, Norman R.	1
McGiehan, Isaac S.	3	Stern, Leopold J.	1
Huntington, Geo. H.	3	Erwin, James W.	1
Towers, W. Scott	3	Driggs, Edmund H.	1
Lorenz, George E.	2	Miller, George F.	1
Lorenz, Martha J.	2	Miller, Daniel V.	1
McGregor, Thomas W.	2	Johns, Joseph M.	1
Cupper, John T.	2		

Indictments against two other persons have been returned, but the arrests have not as yet been made.

A full statement of the scope of each indictment is found in the following still more extensive list.

The following is a list of the indictments that have been found:

At Washington, D. C.

Indictment No. 23786. August W. Machen, indicted June 5, 1903, for violation of section 5501, Revised Statutes. Accepting a bribe in connection with purchase of Groff fasteners.

Indictment No. 23788. Diller B. Groff and Samuel A. Groff, indicted June 8, 1903, for violation of section 5451, Revised Statutes. Bribery of A. W. Machen, in connection with purchase of Groff fasteners.

Indictment No. 23810. George E. Lorenz, Martha J. Lorenz, August W. Machen, Diller B. Groff, and Samuel A. Groff, indicted June 22, 1903, for violation of section 5440, Revised Statutes. Conspiracy to defraud the United States in connection with purchase of Groff fasteners.

Indictment No. 23833. August W. Machen, indicted June 29, 1903, for violation of section 5501, Revised Statutes. Accepting a bribe in connection with purchase of Groff fasteners.

Indictment No. 23824. Diller B. Groff and Samuel A. Groff, indicted June 29, 1903, for violation of section 5451, Revised Statutes. Bribery of A. W. Machen in connection with purchase of Groff fasteners.

Indictment No. 23860. August W. Machen, Thomas W. McGregor, and Maurice Runkle, indicted July 31, 1903, for violation of section 5440, Revised Statutes. Conspiracy to defraud the United States in connection with purchase of carriers' pouches.

Indictment No. 23861. August W. Machen, John T. Cupper, and William C. Long, indicted July 31, 1903, for violation of section 5440, Revised Statutes. Conspiracy to defraud the United States in connection with the painting of street letter and package boxes.

Indictment No. 23862. Leopold J. Stern, August W. Machen, and William C. Long, indicted July 31, 1903, for violation of section 5440, Revised Statutes. Conspiracy to defraud the United States in connection with the purchase of carriers' satchels and shoulder straps.

Indictment No. 23863. John T. Cupper, indicted July 31, 1903, for violation of section 5451, Revised Statutes. Bribery of August W. Machen in connection with painting of street letter and package boxes.

Indictment No. 23864. William C. Long, indicted July 31, 1903, for violation of section 5451, Revised Statutes. Bribery of August W. Machen in connection with painting of street letter and package boxes.

Indictment No. 23865. August W. Machen, William G. Crawford, George E. Lorenz, and Martha J. Lorenz, indicted July 31, 1903, for violation of section 5440, Revised Statutes. Conspiracy to defraud the United States in connection with purchase of carriers' satchels and shoulder straps.

Indictment No. 23866. William Gordon Crawford, indicted July 31, 1903, for violation of section 5438, Revised Statutes. Making and presenting false claims in connection with purchase of carriers' satchels and shoulder straps.

Indictment No. 23906. Isaac S. McGiehan, George H. Huntington, and A. W. Machen, indicted September 8, 1903, for violation of section 5440, Revised Statutes. Conspiracy to commit an offense against the United States in connection with purchase of package boxes.

Indictment No. 23907. Isaac S. McGiehan, George H. Huntington, and A. W. Machen, indicted September 8, 1903, for violation of section 5440, Revised

Statutes. Conspiracy to defraud the United States in connection with purchase of package boxes.

Indictment No. 23908. Isaac S. McGiehan and George H. Huntington, indicted September 8, 1903, for violation of section 5451, Revised Statutes. Bribery of August W. Machen in connection with purchase of package boxes.

Indictment No. 23909. Eugene D. Scheble and August W. Machen, indicted September 8, 1903, for violation of section 5440, Revised Statutes. Conspiracy to defraud the United States in connection with purchase of street letter boxes.

Indictment No. 23910. Eugene D. Scheble and August W. Machen, indicted September 8, 1903, for violation of section 5440, Revised Statutes. Conspiracy to commit an offense against the United States in connection with purchase of street letter boxes.

Indictment No. 23911. August W. Machen, indicted September 8, 1903, for violation of section 5501, Revised Statutes. Accepting a bribe in connection with purchase of street letter boxes.

Indictment No. 23912. George W. Beavers, August W. Machen, and James W. Erwin, indicted September 8, 1903, for violation of section 5440, Revised Statutes. Conspiracy to defraud the United States in connection with purchase of Montague device.

Indictment No. 23926. George W. Beavers, indicted September 17, 1903, for violation of section 5501, Revised Statutes. Accepting a bribe in connection with purchase of Bundy time recorders.

Indictment No. 23927. George E. Green, indicted September 17, 1903, for violation of section 5451, Revised Statutes. Bribery of George W. Beavers in connection with purchase of Bundy time recorders.

Indictment No. 23928. George W. Beavers and George E. Green, indicted September 17, 1903, for violation of section 5440, Revised Statutes. Conspiracy to commit an offense against the United States in connection with the purchase of Bundy time recorders.

Indictment No. 23940. George W. Beavers and George E. Green, indicted October 1, 1903, for violation of section 5440, Revised Statutes. Conspiracy to defraud the United States in connection with purchase of Bundy time recorders.

Indictment No. 23941. W. Scott Towers, indicted October 1, 1903, for violation of section 1781, Revised Statutes. Receiving money for promoting Elliott & Hatch typewriter contract while an officer of the Government.

Indictment No. 23942. W. Scott Towers, indicted October 1, 1903, for violation of section 1782, Revised Statutes. Receiving money for promoting Elliott & Hatch typewriter contract while an officer of the Government.

Indictment No. 23948. James N. Tyner and Harrison J. Barrett, indicted October 5, 1903, for violation of section 5440, Revised Statutes. Conspiracy to defraud the United States in connection with the Equitable Debenture Company and others.

Indictment No. 23949. James N. Tyner and Harrison J. Barrett, indicted October 5, 1903, for violation of section 5440, Revised Statutes. Conspiracy to commit an offense against the United States in connection with Southern Mutual Investment Company.

Indictment No. 23950. James N. Tyner and Harrison J. Barrett, indicted October 5, 1903, for violation of section 5440, Revised Statutes. Conspiracy to commit an offense against the United States in connection with the Continental Security Redemption Company.

Indictment No. 23951. James T. Metcalf, Harry C. Hallenbeck, and Norman R. Metcalf, indicted October 5, 1903, for violation of section 5440, Revised Statutes. Conspiracy to defraud the United States in connection with printing money-order forms.

Indictment No. 23953. Harrison J. Barrett, indicted October 5, 1903, for violation of section 1783, Revised Statutes. Receiving compensation for obtaining a letter from Assistant Attorney-General approving the business methods of the Continental Security Redemption Company, of Birmingham, Ala.

Indictment No. 23953. Harrison J. Barrett, indicted October 5, 1903, for violation of section 1782, Revised Statutes. Receiving compensation for obtaining a letter from Assistant Attorney-General approving the business methods of the Continental Security Redemption Company, of Birmingham, Ala.

Indictment No. 23954. George W. Beavers, indicted October 5, 1903, for violation of section 5501, Revised Statutes. Accepting a bribe in connection with purchase of the Elliott & Hatch typewriters.

Indictment No. 23955. W. Scott Towers, indicted October 5, 1903, for violation of section 5451, Revised Statutes. Bribery of George W. Beavers in connection with purchase of Elliott & Hatch typewriters.

Indictment No. 23956. Harry C. Hallenbeck, indicted October 5, 1903, for violation of section 5438, Revised Statutes. Presenting false claims in connection with contract for printing money-order forms.

Indictment No. 23957. August W. Machen, indicted October 5, 1903, for violation of section 5501, Revised Statutes. Accepting a bribe in connection with purchase of badges for rural free-delivery carriers.

Indictment No. 23959. George W. Beavers, indicted October 5, 1903, for violation of section 5501, Revised Statutes. Accepting a bribe in connection with purchase of Elliott & Hatch typewriters.

Indictment No. 23960. George E. Green and Willard D. Doremus, indicted October 5, 1903, for violation of section 5451, Revised Statutes. Bribery of George W. Beavers in connection with purchase of Doremus canceling machines.

Indictment No. 23961. George W. Beavers, George E. Green, and Willard D. Doremus, indicted October 5, 1903, for violation of section 5440, Revised Statutes. Conspiracy to defraud the United States in connection with purchase of Doremus canceling machines.

At Brooklyn, N. Y.

Edmund H. Driggs, indicted June 24, 1903, for violation of sections 1781 and 1782, Revised Statutes. Accepting compensation while a Member of Congress for promoting contract of Brandt automatic cashiers.

George F. Miller, indicted June 25, 1903, for violation of section 1781, Revised Statutes. Paying Congressman Driggs for promoting contract of Brandt automatic cashiers.

George W. Beavers, indicted July 16, 1903, for violation of section 1781, Revised Statutes. Participating in money received by Congressman Driggs for promoting contract of Brandt automatic cashiers.

At Baltimore, Md.

Thomas W. McGregor and C. Ellsworth Upton, indicted June 25, 1903, for violation of section 5440, Revised Statutes. Conspiracy to defraud the United States in connection with purchase of carriers' pouches.

At Cincinnati, Ohio.

Daniel V. Miller and Joseph M. Johns, indicted October, 1903, for violation of section 5440, Revised Statutes. Conspiracy to commit an offense against the United States in connection with John J. Ryan & Co.

I say again, Mr. President, that there is no example like this in the history of the Government; there has never been any investigation so trenchant and so ruthless in following to its end as this investigation conducted by the Postmaster-General, with his array of skillful subordinates, backed up, as he has been, by the Presi-

dent from the beginning to the end. I again say that the President and the Postmaster-General ought to have, and do have, with the country the credit for this.

I shall not take time here to read, for the condition of my voice is such that I can not continue long, but I put in as a part of my speech letters and memoranda from officers of the Government, from counsel employed, especially the counsel referred to by the Senator from Maryland—Mr. Bonaparte and Mr. Conrad—and this last is as follows, and is found on page 7 of the report of the Postmaster-General to the House of Representatives transmitting Mr. Bristow's report, the document already referred to. They show—and they are good lawyers, faithful lawyers—their realization of the great work done, and their recommendation that the Post-Office Department should continue the work.

Mr. Bonaparte and Mr. Conrad, in their review of the report of Mr. Bristow, speak as follows:

We consider the report an exceptionally able, candid, and impartial review of its subject-matter, and that it shows clearly reprehensible misconduct, amounting in many cases to crime, on the part of a number of public officials. It is a voluminous document, but this arises not from prolixity, but from the nature of the matters discussed. We heartily commend the report and deem its conclusions fully justified by the facts it sets forth, and while regretting in common with all patriotic citizens that the grave abuses of long standing which it reveals should have grown up in the Post-Office Department, we consider the exposure of these abuses and the attempts made to punish those responsible for them a work of the highest public utility quickly and ably performed.

I put here, as showing the continued and unceasing watchfulness and interest of the Postmaster-General, and of the President always backing him up, the following communications, taken from pages 194, 195, and 196 of the same document:

WASHINGTON, D. C., August 21, 1903.

MY DEAR GENERAL: I recall very distinctly that in the preparation of the last appropriation bill, and before the subcommittee (of which I was a member) had commenced work upon it, that in a private conversation with Mr. Loud he informed me that he had discussed with the Postmaster-General the advisability of a more thorough investigation of the Post-Office Department than had been possible in the usual course before, and that the Postmaster-General was very earnest in his desire that the item for special inspection, included in the "miscellaneous items" of the appropriation bill, should be increased to such an amount as would give him ample means for this purpose, and suggested that the item be increased from \$1,000 to \$3,000.

Mr. Loud stated that it was thought advisable that no public attention should be drawn to this proposed increase in the item, for the reason that it might serve as a warning and put upon their guard any employees or attachés of the Department or others who might have been guilty of irregularities, and that it was to the public interest that the increase should be put in the bill as quietly as possible, so as to attract little or no attention or comment. It was understood that this investigation was to be very thorough and might be quite prolonged, reaching over a number of months, and that, while the appropriation would not itself become available until after July 1, 1903, yet it would be necessary to have this increase in order to continue whatever work might be started in this line before that date.

In accordance with this suggestion of Mr. Loud, he and I put the item in the appropriation bill as prepared by the subcommittee, with a mere statement that it was desired by the Department, but giving no explanation. The subcommittee had such confidence in Mr. Loud that without inquiry they indorsed this increase; it went into the bill, was reported to the committee, there passed without any comment, and was enacted into law.

I know positively that this request and the proposed investigation had been determined upon by the Postmaster-General long before there had been any newspaper or other comment upon possible irregularities in the Department.

Very respectfully, yours,

J. H. BROMWELL,
Late Member of Congress from Ohio.

HON. HENRY C. PAYNE,
Postmaster-General.

WHITE HOUSE,
Washington, June 23, 1903.

SIR: As you know, the charges in connection with the Post-Office Department are now being investigated by Fourth Assistant Postmaster-General Bristow, who has had placed at his disposal by the Postmaster-General every resource of the Department, including the services of Mr. Robb, whom you detailed from the Department of Justice to the Post-Office Department immediately after the removal of Mr. Tynner. As a result of this investigation a number of indictments have already been had, and it is probable that other indictments will hereafter be asked for. There can be no greater offense against the Government than a breach of trust on the part of a public official or the dishonest management of his office, and, of course, every effort must be exerted to bring such offenders to punishment by the utmost rigor of the law.

The district attorney's office, of the District of Columbia, has faithfully and zealously seconded the efforts of the Post-Office Department in this matter, but the amount of work in the office is such as to make it difficult, without neglecting other important public duties, to devote all the time necessary to the prosecution of these cases. I suggest, therefore, that if you cannot detail some of your present staff you appoint special assistants in these post-office cases, not only to take up the cases in which indictments have been found or hereafter may be found, but to examine into all charges that have been made against officials in the postal service, with a view to the removal and prosecution of all guilty men in the service and the prosecution of guilty men whether in the service or not where the cases are not barred by the statute of limitations.

Sincerely, yours,

HON. P. C. KNOX, Attorney-General.

THEODORE ROOSEVELT.

OYSTER BAY, N. Y., August 6, 1903.

MY DEAR MR. PAYNE: While for departmental reasons it is obviously advisable that the investigations now going on by Mr. Bristow be brought to a conclusion as quickly as is compatible with thoroughness, yet it is still more necessary that they be thorough and complete. I desire the report of Mr. Bristow and any other reports which may be necessary to a complete presentation of the results of the investigation submitted to Messrs. Bona-

parte and Conrad and their opinions taken as to whether any further avenues of investigation should be followed, or any further facts supplied, in order to secure a complete exhibition and redress of any and all wrongs that have been committed in the Department. Please submit a copy of this letter at once to Mr. Bristow, and also to Messrs. Bonaparte and Conrad, for their information.

I need hardly say how much gratified I am by the evident thoroughness of the investigation thus far and the clearly expressed and acted-on purpose of the Department to get all the facts and to punish any wrongdoer who can be reached, whether within or without the service.

My desire that the advice of Messrs. Bonaparte and Conrad should be taken as to further investigations is not because I question for a moment the single-minded purpose of the Department, but because, from their different points of view, ideas may occur to them which may not to you or to me.

Faithfully, yours,

THEODORE ROOSEVELT.

HON. H. C. PAYNE,

Postmaster-General, Washington, D. C.

To ease the minds of the Senators who are disturbed by the apparition of Mr. Perry S. Heath, I put in here the memorandum of Mr. C. H. Robb, Assistant Attorney-General for the Post-Office Department, showing that that Department exhausted its jurisdiction in turning over all testimony and all facts gathered affecting Mr. Heath to the Law Department of the Government, and that it is a lack in the law which has forbidden further prosecution thus far in this case.

[Copy.]

In the matter of the presentation to the grand jury of the District of Columbia evidence against Perry S. Heath and of having the grand jury vote thereon. Memorandum by C. H. Robb, Assistant Attorney-General for the Post-Office Department.

I was present about 12.30 to-day (October 5, 1903) in the office of the Postmaster-General at a conference between the Postmaster-General, Fourth Assistant Postmaster-General Bristow, and Hon. Holmes Conrad, special counsel for the Government in Post-Office cases.

At this conference Major Conrad gave it as his opinion that there was sufficient evidence against Mr. Heath to warrant the question of his indictment being presented to the grand jury for action by that body. The Postmaster-General thereupon directed the Fourth Assistant Postmaster-General to immediately forward to the district attorney's office all the necessary papers, and to also send the inspectors who were acquainted with the facts. Immediately after this interview General Bristow came to my office, and I then suggested the propriety of acquainting the district attorney with the developments up to that time, and with a view to doing so called him up on the phone. I stated to him over the phone, in the presence of General Bristow, that the President had directed the Fourth Assistant Postmaster-General to confer with special counsel and to be guided by their advice; that in the absence of Mr. Bonaparte, General Bristow had conferred with Major Conrad, and that Major Conrad had advised that, in his judgment, there was sufficient evidence to warrant the matter being placed before the grand jury; that I acquainted him with these facts for his information, and not with a view to influencing his decision one way or the other.

Mr. Beach informed me that he did not agree with Major Conrad; that, in his judgment, there was not sufficient evidence to warrant the finding of an indictment, and that he should decline to again present the matter to the grand jury.

Subsequently, and at about half past 3, I acquainted the Postmaster-General with the result of my telephonic conversation with Mr. Beach, and then learned that the Postmaster-General had had a conference with the President concerning the matter, and that the President had also suggested to him that he take the judgment of special counsel in this case. The Postmaster-General immediately directed me to have a personal interview with the district attorney and explain the situation fully to him. I immediately went to the district attorney's office and had an extended interview with Mr. Beach, going over the situation fully, and telling him that it was the desire of the President that special counsel be consulted in this case, and that Major Conrad had concluded that there was sufficient evidence to warrant the matter being placed before the grand jury.

Mr. Beach said that he disagreed with Mr. Conrad and that he did not think there was sufficient evidence to warrant the finding of an indictment, and that he should not present the matter to the grand jury; that the responsibility was upon him and not upon Mr. Conrad, and that he was perfectly willing to assume the responsibility. I frankly stated to Mr. Beach that I agreed with him as to his conclusion that there was not sufficient evidence to warrant the finding of an indictment, but that in the circumstances I would suggest to him that he go before the grand jury and say to them that he understood some member of that body had asked a post-office inspector why an indictment had not been presented against Perry Heath; that, in his judgment, there was no evidence before the grand jury that would warrant the presentation of an indictment, but that it was for them to say.

I suggested to Mr. Beach that in this way he would shift the responsibility from himself to the grand jury; that, as I had before said, I agreed with him that there was not sufficient evidence to warrant the finding of an indictment, but the President having directed the Postmaster-General to advise with Major Conrad, and Major Conrad having advised that there was sufficient evidence to warrant the case being placed before the grand jury, it would be the safer thing for him to do so. Mr. Beach said that the evidence had all been before the grand jury, such as it was, and that no member of the grand jury had said anything to him about indicting Perry S. Heath, and that he would not again bring it to their attention. I also suggested the wisdom of holding the grand jury until he could confer with Mr. Hoyt, the Solicitor-General, but he said he saw no reason for doing this, since there was no evidence before the grand jury that would warrant an indictment being found against Mr. Heath.

It should be borne in mind that all the evidence in this case in any way involving Mr. Heath had been presented to the grand jury, and had that body been so disposed an indictment might have been voted and the district attorney requested to prepare it. It is my understanding that the foreman of the grand jury is a lawyer, and if this understanding is correct he certainly knew that the grand jury had this right. It is my understanding that no member of the grand jury intimated either to the district attorney or his assistant that he would like an indictment prepared against Heath.

CHAS. H. ROBB,
Assistant Attorney-General for the Post-Office Department.

The Postmaster-General, as some of us know him, is a man of great and undoubted integrity—a man of great experience in affairs. He is a man who, when he sets himself to a good work, follows his end and never turns back. He has, at the risk of his

own health, to the exclusion and destruction of his own comfort, given his days and nights to this investigation, through a long protracted search, covering all the seasons of the year, and set himself to this work with the purpose of finding out the offenders and of establishing it as a rule of the Post-Office Department that no guilty man should be allowed to escape.

I have already incorporated with my remarks the recitals of the Fourth Assistant Postmaster-General, having this matter in charge, of these indictments as applied to each person, the offense charged to each person, and the long list showing the faithful work of the Department.

More than this, these things are now being carried on, as a natural sequence of the great work of the Post-Office Department, in the courts of the United States in half a dozen different States, districts, and Territories. There is to-day in Washington going on under processes of law, under rules and practice that elicit truth and discover guilt and punish it, a leading trial in these cases, and the best of counsel have been employed—and we shall pay for it—to follow this to the end.

Mr. President, you may have a dozen Congressional committees, and they may, under the practice of Congressional committees, investigate this case or any portion of it, and altogether they will never bring out so clearly the method of doing business in the Post-Office Department, the relations that its subordinates had to outsiders, and the wrong-doing that was going on as will this one trial that is going on in Washington, where every word that is said and every point that is made are printed in the newspapers and thrown open to the public.

Mr. President to all this, if anything can be added by the Post-Office Committee, we on this side do not object; but I venture to indulge in a little prophecy as to what will be the result of this investigation by a Congressional committee. It is nigh approaching a Presidential election, and enough has already been seen here to show that if any advantage can be taken, on the other side of the Chamber, of this investigation it will be taken; and that is their privilege.

If any undue attempt should be made on the part of the other side to make political capital of this matter, it will be met, I assume, by members upon this side, who will seek to have it conducted as a complete, fair investigation. But out of it, inevitably, as the weeks go by and as the time of the great contest of this year comes nigh, the committee will find itself nearer and nearer to a political contest.

This will happen: My friends on the other side, maybe unconsciously, will not content themselves with pursuing the investigation which has already been conducted for the discovery and punishment of minor officials of the Department, but will seek to fasten responsibility, as has been indicated by what has been said here, upon higher officials, making, in a degree, the party responsible for that delinquency. Human nature is such that that will be so.

Some Senators here have not forgotten that great investigation by Congress into the circumstances attendant upon the Presidential election in 1876—the counting of the vote, and at last, as the culmination of that investigation upon those most grave subjects, involving the election of a President of the United States for all of the people, that pitched and drawn battle which took place in New York City over the cipher dispatches alleged to have been sent into Southern States and other States by a candidate for the Presidency. There was waged there in New York, in that committee room, as great a political battle as was ever conducted on the stump or in the House of Representatives or in the Senate.

A very great man from my State first attracted public attention in that investigation. He afterwards became Speaker. To the great loss of the country he has gone to where, "beyond these voices, there is peace." But he gained his first hold on the American public in that great political battle, which was the meeting of a committee of investigation on the part of Congress to find out, if possible, all the inside of that great transaction and all the transactions surrounding the Presidential election of 1876.

And as this proposed investigation shall go on, instead of lightening, instead of showing anything more than the Department has shown and the courts are showing, it will become a battle to see which shall gain the advantage. As a Republican I am willing to risk that. I expect it. It will be inevitable. But out of it will come nothing more than the conviction of men who watch, and that is that these investigations can never be conducted successfully by Congressional committees as compared with committees in Departments.

In the meantime, Mr. President—and I can say but little more—something more has been done; something more and something greater has been done. Light has been let in to this great Department. I do not say, using the old simile, that the Augean stables have been cleaned, because that fabled labor of Hercules was such filth that only the rush of a river could do it. There was no such situation here. But it was as if some building has

become close, the air bad and confined with uncomfortable conditions, improper conditions existing, and what it needs is the light of the sun and the west wind to sweep through all its corridors and crannies and purify it. And that has been done, Mr. President.

More than that has been done. There is not a clerk in that Department, or in any Department, who is going on in a covert way and making merchandise of his position, involving the Government in unnecessary expenditures, encouraging and making outside contracts, who has not his warning that so long as the precedent which has been set by the Post-Office Department is followed, as it will be by the party in power, he must look to himself and all such practices must cease.

There is not a grafter, there is not a confederate in graft, nor a contractor who has been illicitly making money out of the Government and getting from its Treasury what he had no right to, whether he be indicted or not, who has not taken notice that the sword hangs above him. There is not anywhere any man or any combination or any company that has set on foot schemes for the undue exploiting of the Departments of the Government for the purpose of illicitly making money that has not read on the wall the handwriting "Thy days are numbered."

So whatever happens as a result of this investigation, these great things have been accomplished; these great things have come to pass, and are the settled policy not only of this Department, but of every Department of the Government under Republican administration.

If by possibility—and some time it may happen—this Government passes into the hands of the friends of the Senator from Maryland and other Senators upon the other side, of which they are such able representatives, they will get the benefit of this investigation. It will not stop this year or next year, nor with this Administration nor with the next Administration, but it will be known broad and large, wherever the United States has power and is seated, that purity in office, strict attendance to duty is to be the rule, and that violation of that rule and violations of the law will be pursued relentlessly whenever they arise.

Mr. GORMAN. Mr. President, I agree with very much that the distinguished Senator from Maine [Mr. HALE] has said as to the importance of the investigation which has already been made by the Post-Office Department and by the attorneys appointed by the President of the United States. It is perfectly natural—it would be so on either side—that the Senator should defend his party. He gives it great credit for what it has done, and that is perfectly justifiable. I have no doubt if the case was reversed, if it were a Democratic Administration, those of us on this side would pursue the same policy. I do not wish to discredit the Administration or to take from it or from the President or the Postmaster-General a single iota of credit to which they are entitled.

That party enters into the matter is unavoidable and absolutely necessary. Our Government is one of parties, and the party in power must be held to an account for whatever occurs. It is entitled to the credit for its great successes; it must be held to a close and rigid account for all the matters that occur which are against good morals and good government.

Did the party in power instigate this investigation of their own motion? It does not so appear from the statement that comes from some officials in the executive branch of the Government. It does not appear that this information as to corruption in these two or three branches or bureaus of the Post-Office Department was investigated or brought to the attention of the public by the Postmaster-General. I have no reference to the present Postmaster-General; but his predecessor, when furnished, as this one has been, with the charges and the witnesses, ignored them. Charges were ignored in the face of the proof that was furnished as to the corruption of our officers in Cuba. They came to the surface again under the present Postmaster-General, as we are informed by the President, through two gentlemen or more in the city of Washington connected with the public press.

It is true and fair to say of the Postmaster-General that prior to that time—I mean the present Postmaster-General, Mr. Payne—he secured an appropriation that he might make an investigation; and I am inclined to think, as I have said before, that the statement of the President does injustice to the present Postmaster-General and places him in a position before the public where he has not received all the credit to which he is entitled.

But at best this investigation only goes to two or three branches of this Department. I expect, if the Senate of the United States orders this investigation and we touch other branches of expenditure almost exclusively under the control and at the option of the Postmaster-General and his assistants, to have from the Postmaster-General and from his detectives and special agents hearty cooperation in ferreting out the frauds, if others exist, and in pointing out to the committee which shall have charge of the legislation the defects in the law which made it possible for these men to rob the people of their money.

I regret to hear the Senator from Maine say that he does not believe Congressional investigations amount to anything; that an investigation into this matter will result only in some political advantage. It may or it may not result in political advantage, but the history of all investigations in Congress I think the Senator from Maine underrates. They may not have exposed and brought to trial and justice men who have defrauded the Government, but they have exposed in the past in almost every case the rascality that was engaged in, and the corrective has been applied. There is as much honesty on that side of the isle as on this, and I have never known the Congress, no matter what party was in control, when the facts were brought before it, to fail to legislate, or by their condemnation to aid in driving out and disposing of the men who were engaged in corrupt transactions.

Into the Administration of that great captain of all of our armies, whom the people of both sections loved after he became President of the United States, General Grant, there crept the fraud into the whisky business, exposed by men who at first were themselves engaged in the transaction, followed by that President, as this one has followed the men who have been indicted. His own personal friends and party friends high in power were involved. Congress looked into it and aided the President, as we want you to aid this President by an investigation here, and there went to oblivion men who had stood as high in the councils of their country as ever were in public position.

The frauds in connection with the Pacific railroads were investigated not only by the Department, but by Congress. Political capital made of it? Yes; in both cases. In all cases that is inevitable. But the men who had engaged in those stupendous frauds, which robbed the people of millions and hundreds of millions of dollars, passed away and out of existence, and as the result of it all, years afterwards, the Government came back and recovered from the owners of those properties millions of dollars and adjusted a question as important as ever came before the Congress of the United States.

Mr. President, the Presidential election of 1876 has been referred to by the distinguished Senator from Maine. It was a time of the greatest trial in this Republic. A difficulty was presented to the adjustment of which, in some form, every patriotic man in the United States looked, that the Government might be saved. I do not intend to go into the controversy of that hour, and to say now that one was declared elected President who never received a majority of the electoral votes. The commission decided that question. But a heated and wild controversy came, and it was adjusted. There was the examination into the cipher dispatches. The attempt was made politically to expose the Democratic candidate as being connected with transactions not proper in themselves, and the counting of the electoral votes by power and by fraud was attempted on the other side. Injustice was done to a great man whom at least half the people of this country believed was elected President of the United States and deprived of the office. But that is a minor consideration.

What came of the investigation and the controversy? By a vote almost unanimous in both Houses we provided by law, as far as it could be done under the Constitution, a measure to prevent what looked at one time as civil war growing out of that investigation. There is not a Senator on either side of this Chamber who does not know that if you wipe out all other Congressional investigations, which were of a minor sort, that one alone was worth all the time and all the trouble; and no man on either side now cares anything about the partisanship involved. We feel and we hope that such a contingency may never again arise, but it was a Congressional investigation which brought us to the conclusion arrived at.

I might specify others, Mr. President, all of which redounded to the interest of the people of this country, and all of which have produced results far-reaching for the better conduct of our affairs.

That we have not sent men to the penitentiary by Congressional investigation is true. No such thought ever entered the minds of the investigators. We probably could do it; but if you have an honest and faithful executive branch in control of the legal department, such a result will not be necessary. But we can stop and prevent, by knowledge and by the faithful cooperation of honest men in the Departments, just such occurrences as have taken place in the Post-Office Department.

I do not intend at this time to attempt either to specify what may be brought about by a further and an honest and a patriotic investigation, but I do believe, from the best information I have, that in other branches which the commission has never touched we can secure information and suggestions, and that we will finally agree upon a method which will cut off extravagances, if they exist, and make provision by law so as to throw around the administration of that Department safeguards which will make it more difficult for these occurrences to take place. That is all.

If in the course of that investigation exposures result which trouble the other side of the House politically, they must take it

as becomes a great party, knowing that they have been in power, almost unlimited power, for thirty years, realizing that a cleaning of their own household will not only be proper for the country, but good for themselves.

"Let the light in," says the Senator from Maine. Yes, the broad sunlight. If the conduct of your people has been pure and upright and careful in the people's interest, it will inure to your benefit and strengthen your future conduct. I know the Senator from Maine too well to suppose for a second that he would shield any man in his party who abused a public trust.

Therefore, Mr. President, I am delighted to have his cooperation in giving an opportunity to get at the real facts in the case.

The PRESIDENT pro tempore. The question is on referring these resolutions to the Committee on Post-Offices and Post-Roads.

Mr. CARMACK. Mr. President, I think one or possibly two or three other Senators desire to speak on these resolutions, and I ask that they may go over under the same arrangement that has heretofore been made.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that these resolutions and the motion to refer them may go over, retaining their place.

Mr. HALE. At the end of the routine morning business.

The PRESIDENT pro tempore. Retaining their place.

Mr. HALE (to Mr. CARMACK). Let them go over in the same way.

Mr. CARMACK. I am willing that the resolutions shall go to the committee. I withdraw my request.

Mr. GORMAN. The Senator from Tennessee withdraws his request.

The PRESIDENT pro tempore. The resolutions will go over, to be taken up to-morrow.

Mr. GORMAN. The Senator from Tennessee withdraws his request.

Mr. CARMACK. I withdraw it.

Mr. PENROSE. I will have to renew the request on behalf of a Senator who is not in the Chamber and who asked me, if he were absent, to have the resolutions go over until to-morrow.

Mr. CARMACK. That is entirely agreeable to me.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the resolutions may go over, to be taken up to-morrow morning immediately after the routine morning business. Is there objection? The Chair hears none, and it is so ordered.

A. R. CRUZEN.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution submitted by Mr. CARMACK on the 15th ultimo, as follows:

Resolved, That the Secretary of the Treasury be directed to inform the Senate whether any report has been made to the Treasury Department by L. Cullom, special agent of the Treasury, with respect to the conduct of A. R. Cruzen, collector of customs in Porto Rico; and, if so, to transmit the same to the Senate with a statement of what action, if any, has been taken thereon.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. ALLISON. I ask the Senator from Tennessee to agree to insert the words "if not incompatible with the public interest."

Mr. CARMACK. I can not conceive how the sending in of the report could be incompatible with the public interest, if there is such a report. My knowledge of it is from a publication in a Washington newspaper, setting out what purported to be the substance of a report which has been made by a special agent of the Treasury Department in regard to the conduct of the collector of customs in Porto Rico. The charges made in that report, as published in this newspaper, were charges of gross dishonesty on the part of the collector of customs—charges of gross fraud and a recommendation for his removal. At least it was so published in the newspapers. It did not purport to have come from the Treasury Department. On the contrary, the intimation seemed to be that it had leaked out in some way or other and come into the possession of this newspaper. It was stated that the report had been made for many months.

Now, I do not see why a report of that sort should not be given to the Senate, or how it could possibly be incompatible with the public interest for the Senate to know whether or not charges of that kind have been made by a sworn officer of the Government, a special agent of the Treasury Department, appointed for that very purpose. I do not see how it could possibly be incompatible with the public interest for the Senate to have possession of that report.

Mr. ALLISON. I know nothing of the facts in this case, except that I have learned incidentally that these reports of confidential agents of the Treasury Department are regarded for the time being as confidential. I do not know any of the parties, and I have no interest respecting this matter. Unless the Senator from Ten-

nessee sees proper to insert the words which I suggest, I shall not object to the resolution being passed, and will leave it to the Secretary of the Treasury to say whether or not at this moment, in the interest of the Government, the report should be made public. That is all there is of it.

Mr. CARMACK. If I could understand any possible reason why such a report should be secret, I would be willing to insert a provision of that sort, but I do not think such reports ought to be secret.

Mr. ALLISON. It is usual to regard such reports as reports to the head of a Department and not to make them public for the time being, in case, as it may be, that the Department shall desire to take some action. I shall not stand in the way of the resolution. I only suggest that there is a question as to the propriety at this moment of making the report public.

Mr. TELLER. There may be a question raised as to the propriety of it, but there is no rule in the Senate such as the Senator from Iowa has laid down.

Mr. ALLISON. I did not lay down a rule. I said that that was the usual practice, and I believe we have had two or three cases in a like situation.

Mr. TELLER. I have never heard of it. We may have made some special regulation about it. The senior Senator from Illinois [Mr. CULLOM] not long since offered a rule, which, I think, was sent to the Committee on Rules, that reports of this kind should be considered secret; but there is no rule of the kind, nor has there been any practice of the kind. Such reports have been heretofore received and considered as public unless they referred to something in the Senate which was considered as an executive matter, like a treaty. There is no reason at all why this should be made an executive matter. It is not a question that we have any right at all to consider in executive session. It is a legislative question, if it is anything that we have to do with.

Mr. ALLISON. I suppose the Senator from Tennessee has some motive in calling for this report, and it may be that it ought to be made public at this time; but I would suggest to the Senator that if it is proper to make it public, it will be made public by this call. If not, the Secretary of the Treasury will undoubtedly give a reason why at this particular moment it is not wise to make the report public.

The PRESIDENT pro tempore. The question is on agreeing to the resolution. [Putting the question.] The ayes have it, and the resolution is passed.

Mr. PLATT of Connecticut. Without amendment?

The PRESIDENT pro tempore. Without amendment.

Mr. PLATT of Connecticut. I thought—

The PRESIDENT pro tempore. The Chair will consider the question on agreeing to the resolution to be before the Senate.

Mr. PLATT of Connecticut. Mr. President, I do not think that in the somewhat extended service I have rendered in the Senate I have ever known a resolution passed by the Senate calling upon one of the Executive Departments to furnish the Senate with a report made by an inspector or special agent who had been directed by the Department to inquire into charges against an official of the Government who it was supposed had been guilty of criminal action in his Department, and I think we ought to hesitate before we establish that precedent.

Mr. TELLER. We can not hear the Senator over here. I should like to hear what the Senator is saying, and it is quite impossible to hear him.

Mr. PLATT of Connecticut. Does the Senator desire that I should repeat?

Mr. TELLER. I should like to know what the Senator thinks about this question.

Mr. PLATT of Connecticut. I will start anew. I said I could not remember that during the time I have been a Senator the Senate ever passed a resolution directing the head of an Executive Department to furnish to the Senate the report of an inspector or special agent who had been required by that Department to examine a case of alleged malfeasance or crime against an official in his Department, and I thought we ought to hesitate before establishing such a precedent, and for this reason: The special agents of the Treasury and other Departments who are instructed to investigate alleged or suspected delinquencies of officials are employed very much in the nature of detectives for the purpose of furnishing evidence to the Government which would enable the prosecution of the offender in case the charges against him or the supposed malfeasance were found to be true.

I think that such reports have always been considered by the Senate and by Congress as matters confidential, and necessarily confidential, in order to enable the Government to ferret out and to punish any criminal conduct on the part of officials. I believe that ought to be the rule. If it be so that whenever a special agent of any Department of the Government has been ordered to make an investigation of a matter where it is supposed that an official may have been guilty of criminal delinquency he under-

stands that all he writes to the Executive Department of a confidential nature can be called for by Congress and made public, it is manifest that he may not discharge the duty with the same fidelity he otherwise would exercise.

Mr. CARMACK. Why not?

Mr. PLATT of Connecticut. The Senator asks why not. For many reasons personal to himself, which must be apparent, as it seems to me, to everyone. Confidential matters require absolute authority to pursue the inquiry and to make the report, and it is not in human nature for an inspector or an official to make that inquiry with the fidelity and with the utter disregard of consequences to himself, whatever the relations may be between him and the parties, that he would make if he understood that his communication to the Government was to remain secret at least until action had been had by the Department upon it.

There is another reason, Mr. President. Suppose this report furnishes information upon which criminal proceedings ought to be instituted by the Department. If there has been any such report, that report is still under consideration, I should suppose, by the Secretary of the Treasury and is still undecided by him. It may be decided that upon the evidence thus furnished a prosecution ought to be established, but whoever heard that a district attorney or a prosecuting officer would be called upon to submit, or, if called upon, would be justified in submitting, to the public the evidence before him tending to show criminality on the part of a Government official or of a private individual before proceedings were instituted? That is just what apparently is required to be done in this case.

If, as the Senator from Tennessee supposes from a newspaper article, this officer in Porto Rico has been guilty of such delinquency or malfeasance as that he ought to be removed and a criminal proceeding instituted against him, it is not in the interest of justice that before that question is settled and determined in the Treasury Department the evidence upon which such an indictment would be based should be given to the world and also to the criminal himself. To my mind we might just as well require that while a grand jury is considering the question as to whether an indictment is to be found the grand jury should from day to day make public all the evidence that was laid before it in order that it might determine whether there was a case in which an indictment should be found. I can see no distinction between such a case as that and this case, supposing that it be true that there is evidence here on which this official can be prosecuted.

As with the Senator from Iowa, I know nothing whatever about this case, but I feel that it might be of great embarrassment to the Government if it were compelled to produce the report which has been made, which furnishes the evidence upon which a person in an official capacity can be prosecuted. I do not desire to say any more about it; I do not want to shield anybody; but I do think it is establishing a very bad precedent, and without the amendment suggested by the Senator from Iowa I should like to have the yeas and nays upon the passage of a resolution of this character, in order that I may record my vote against it purely as a matter of proceeding.

Mr. STEWART. Mr. President—

The PRESIDENT pro tempore. The Chair lays before the Senate the Calendar of General Orders.

The SECRETARY. Order of Business 13, Senate bill 887.

Mr. CULLOM. I ask unanimous consent that that order may go over until this question is settled. It seems to me that we have had it before us now for a month.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the further consideration of the resolution shall be continued. Is there objection? The Chair hears none. The Chair suggests to the Senate that the resolution known as the "Gorman resolution" should also have unanimous consent to be taken up immediately after the conclusion of this resolution. Is there objection to that? The Chair hears none.

Mr. CULLOM. I only want to say that I desire to have an executive session some time to-day before we adjourn.

Mr. ALLISON. I will offer the amendment that I suggested to the resolution and let it be voted upon.

The PRESIDENT pro tempore. The Senator from Iowa submits an amendment to the pending resolution, which will be stated.

The SECRETARY. In line 1, at the end of the line, after the word "directed," insert "if not in his opinion incompatible with the public interest."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. STEWART. I hope that amendment will be adopted. In all the Departments we have a very large number of special agents. They are poorly paid and they are governed by the same impulses that govern other men. It frequently happens that they make accusations against men which are investigated in the Department and the whole thing is found to be erroneous. The Departments have to control them, and if their first impression,

published through malice or ignorance or what not, or by misrepresentation of outsiders, is to be published to the world and be made official, great injustice will be done. I think the Departments should have some discretion to hold back such matter until it was investigated and not injure the character of a good man who was perfectly innocent, when a slight investigation would show that the whole charge was false.

That happens daily in the Departments, in the Land Office, and elsewhere. The Department takes up a case and investigates it, and finds that it is not well founded. They keep control of these things, and I think it should be left in the discretion of the Departments to say whether the matter ought to be made public, to determine whether its publicity would interfere with criminal proceedings, whether it is scandalous, whether it is unjust. There ought to be a discretion in the Departments about the reports of irresponsible agents, because they are comparatively irresponsible. They are poorly paid men. They are acting as detectives to a great extent. I should not like to have this resolution passed as a precedent for dragging all such matters before the country. It would be unjust.

Mr. CARMACK. Mr. President, the Senator from Nevada is very much mistaken when he refers to the special agents of the Treasury Department as a low class of employees who are poorly paid. They are a very high class of employees and are exceedingly well paid.

Mr. STEWART. Some of them are.

Mr. CARMACK. Men who do work like this are well paid, because it requires men of unusual intelligence and capacity for that particular line of work, and low-class men—low-salaried men—would not be put to doing work of this kind. These men do not go to a place as secret detectives. Their character is known. They are known as special agents of the Treasury Department, and they go for the purpose of examining the books and accounts and the work generally of the custom-house officials. The official who is being examined knows that he is being examined. It is no secret-service work.

I can not see for the life of me how the publication of this report can in any way interfere with the public service. The report, according to this newspaper statement, has now been in the possession of the Secretary of the Treasury for about nine months. No possible injury could be done by its publication.

The Senator from Connecticut says some criminal prosecution might be based upon it. It seems that nothing has been based upon it. Nothing has been done about it so far as we know. The recommendation was that the man be discharged. The accusation was that he had been guilty of fraud and corruption, and the fact seems to be that the Secretary of the Treasury has allowed the matter to sleep without any action whatever, so far as we know, and I think we ought to know. Suppose criminal prosecutions were to be made upon this report. The publication of the report could not give to the accused the knowledge of a single fact he does not possess now. He knows the offenses of which he has been guilty—that is, if he is guilty. If he is an innocent man it is but justice that he should know the specific accusation. If he is a guilty man the report will not give him any information he does not already possess.

The PRESIDENT pro tempore. Will the Senate agree to the amendment?

Mr. SPOONER. The Senator from Tennessee does not object to the amendment?

Mr. CARMACK. Yes; I am not going to accept it.

Mr. TELLER. I object to the amendment. Mr. President, if this amendment should be adopted it will be the first time in the history of the Senate, I think, that we have ever submitted a resolution of this kind to a Cabinet officer. We always put in that clause when we submit a resolution to the President—that is, we say that he shall make the report if not incompatible, in his judgment, with the public interest.

I suppose, technically, all such resolutions ought to be addressed to the President because he has absolute control of them, but they have not always been so addressed. The orderly procedure in the Departments, as Senators will find if they will go back at least forty or fifty years, has been for the Secretary who was to discharge the duty of making the report, if he thought it was incompatible with the public interest, to report to the President what he thought about it, and the President—not the Secretary, but the President—reported to the Senate that he himself thought it was incompatible with the public interest. If this inquiry is addressed to the Secretary of the Treasury and if the Secretary believes that he ought not to make the report public he will so report to the President and the President will so report to the Senate. Then you have the responsible head of the Government and not a subordinate excusing the Executive from making the report.

It does not seem to me that this is a wise amendment. I suppose the inquiry is addressed to the Secretary of the Treasury; I

judge so by the debate so far as it has gone; but it certainly is in the province of the President to say to us, although it is addressed to the Secretary of the Treasury, that it is not compatible with the public interest to send in the report.

I submit, Mr. President, that the dignity of the Senate and the dignity of the President require that we should leave it in the way it has been for very, very many years. I admit that there may be cases when there was to be a criminal prosecution and the Secretary of the Treasury might feel that he did not want to make public just then what the Government's case was. I should think in such a case the matter would go naturally to the Department of Justice for an opinion. Then it would come back to us with the President's imprint of approval that he did not think it was proper.

I suggest to the Senator from Iowa that there is not any danger of this report coming here if the President does not think it ought to come, nor is there any danger of its coming here if the Secretary does not think it ought to come. I do not believe myself it is wise to make the proposed change in the resolution. The practice has worked very decently, I think, and satisfactorily for a great many years. I should very much rather see the resolution passed in the ordinary way and let the Secretary of the Treasury deal with it as he sees fit.

Mr. ALLISON. Mr. President, as I said before, I know nothing of the facts respecting this case.

Mr. TELLER. Nor I.

Mr. ALLISON. Nor the parties.

Mr. TELLER. Nor I.

Mr. ALLISON. I only know incidentally that this is a secret report of an agent of the Treasury Department to his chief—a confidential report, as such reports always are—and I do not remember an instance where such confidential reports have ever been asked for. I have no recollection of an inquiry for such a report made of the head of a Department.

I am perfectly willing, and so suggest to the Senator from Colorado, that the resolution shall be addressed to the President, asking him to communicate the report if not incompatible with the public interest.

Mr. TELLER. Very well.

Mr. PLATT of Connecticut. I have no objection to that.

Mr. ALLISON. If the Senator from Tennessee or any other Senator desires to see this report I have no doubt it will be shown to him. I do not suppose there is anything that would prohibit him from examining the report, he having some ultimate purpose undoubtedly in offering the resolution. I do not know what that purpose is, but I only wish to raise that question on the resolution, there not having been, to my knowledge, an instance of such a resolution.

Mr. TELLER. If the Senator will allow me, if he will take the pains to go over the history of this country he will find innumerable cases where the President has sent to the Senate or House, whichever it may be, that he does not consider it compatible with the public interest to make a report to us or to give the information requested. Sometimes it has been done upon a resolution addressed to the President, and sometimes it has been done upon resolutions addressed to heads of Departments.

Mr. ALLISON. I have no recollection of such a case.

Mr. TELLER. I do not care anything about it. It does not make any difference, except I am simply desiring to see the procedure of the Senate continued which has been here in force so long. I should prefer to see the resolution addressed to the President. He will naturally, of course, refer it to the Secretary of the Treasury, and then if there is any reason why we should not have the report they will tell us.

Mr. ALLISON. Then I move, with the leave of the Senator from Tennessee, that his resolution be directed to the President and that it be modified accordingly; and if it is preferred that it shall go over, I have no doubt that it will come up to-morrow.

Mr. CARMACK. I accept that amendment.

The PRESIDENT pro tempore. The Senator from Tennessee modifies the resolution. The modification will be stated.

The Secretary read as follows:

Resolved, That the President be requested, if not in his opinion incompatible with the public interest, to inform the Senate, etc.

The PRESIDENT pro tempore. Will the Senate agree to the resolution as modified?

The resolution as modified was agreed to.

RELATIONS WITH NEW GRANADA OR COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution which will be stated.

The SECRETARY. Senate resolution 73, by Mr. GORMAN, calling upon the President for certain information touching former negotiations of the United States with the Government of New Granada or Colombia, etc.

The PRESIDENT pro tempore. The Chair suggests that some

Senator ask unanimous consent that if the discussion of the resolution shall not be concluded to-day it may take its place again upon the table of the presiding officer.

Mr. CULLOM. I make that suggestion, Mr. President.

The PRESIDENT pro tempore. Is there objection to it? The Chair hears none, and that order is made. The resolution is before the Senate, and the Senator from Colorado [Mr. TELLER] is entitled to the floor.

Mr. TELLER. Mr. President, on Friday last, when I took the floor, I expected to complete my remarks. I believe I should have done so if it had not been for the very generous assistance I received from both sides of the Chamber in my speech. I regret that I was not then able to conclude. I shall beg the indulgence of the Senate while I try to complete what I have to say to-day. The diversions in my speech of Friday have somewhat disarranged the order of presentation of the various questions I desired to place before the Senate. While I had no prepared speech, I had given some attention to the order in which I thought I ought to discuss these questions. I have discussed some of them, and my discussion now may not appear to be entirely germane, but I may have to return to some of the questions which I should not have returned to had I been allowed to complete my speech on the lines I had marked out.

Since I made my speech on Friday my attention has been called to some remarks of the junior Senator from Massachusetts [Mr. LODGE], made in my absence from the Senate on the 5th of January last. I desire to controvert some of the propositions laid down by that Senator in his speech on this subject. I do so with some hesitation. I know the junior Senator from Massachusetts is a scholar, an author, and a statesman, and it may seem somewhat rash for me to call into question either his logic or his law; but, Mr. President, in this case I can not agree with either, although I should agree with some of the propositions which the Senator has presented to the Senate, where he has cited the opinion of writers on international law. I am compelled, however, to dissent from the conclusions which the Senator has drawn.

While it may seem to some somewhat unnecessary to go over all of these details, I think it is necessary. Inquiring into the principles of international law I find a great deal of uncertainty as to how they originated. I find in the records the statement that certain principles, laid down by eminent statesmen at different times in the history of the world, running back many years, have become the rule of international law by the acceptance of various nations of the earth. I do not like to have the Senator from Massachusetts intruding into international law his opinions; and, therefore, I propose to call attention to the authorities on which he professedly bases his opinions. The Senator seems to have confounded certain things. Perhaps I had better read what the Senator has read. In order to do him justice, I am going to read it all.

In the first place, he has a quotation from the first authority cited, touching principally on the question of the right of recognition. On page 4 of his remarks, as printed in pamphlet form, I find the following:

In Lawrence's Wheaton's International Law (pt. 1, chap. 2, p. 38) is found the following discussion of what actually constitutes sovereignty in a state: "Sovereignty is acquired by a state either at the origin of the civil society of which it is composed or when it separates itself from the community of which it previously formed a part and on which it was dependent. * * * The internal sovereignty of a state does not in any degree depend upon its recognition by other states. * * * The existence of the state de facto is sufficient in this respect to establish its sovereignty de jure. It is a state because it exists."

That is a well-stated proposition of law, and is undoubtedly in accordance with the general consensus of opinion of writers on international law, that "It is a state because it exists."

It is a state because it has the qualifications of a state. That is according to our idea. It is a community organized for the purpose of maintaining law and order, and protecting personal and property rights; but, Mr. President, it must have more than that; it must have the machinery of government; it must have a legislature; or it must have a power, at least, that can create laws. It may be that it is an absolute autocratic power lodged in one man; it may be lodged in a good many men, or it may be lodged in a few men; but somewhere there must be that power.

Then it must have, in addition to that, the ability to maintain itself not only at home amongst its own people, but it must be able to maintain itself amongst the nations of the earth either by force of its power or because the nations of the earth concede its right to exist. It is not necessary that it should have recognition in the way that new governments are usually recognized. It is first a de facto government. It becomes a de jure government when the rest of the world recognizes that de facto government as a government capable of discharging all the functions of a state and one which will become a de jure government eventually. If nobody recognizes it and it continues to discharge the duties of a state for many years, it will be a government de jure; and, of

course, every government de jure must also be a government de facto.

There are a great many governments as to which no one could go back to the time when they were recognized as governments, except that by another government treating with them or fighting with them or negotiating with them or sending ambassadors to them they have recognized their state of existence. The Senator from Massachusetts continues:

Precisely the same definition of a sovereign state is found also in Kluber, Droit des Gens Moderne de l'Europe, section 23.

Further, in Lawrence's Wheaton, page 47, is the following:

"Where a revolted province or colony has declared and shown its ability to maintain its independence the recognition of its sovereignty by other foreign states is a question of policy and prudence only."

Remember that is when a government has shown its ability to maintain itself, and then every other government may or may not recognize it, as it sees fit. There is no way, Mr. President, that you can compel one government to recognize another. Common regard for the rights of other nations and for the welfare of mankind will require at the proper time that every nation shall recognize a new government which has shown its ability to maintain itself, whether by force of arms or by lapse of time. Again the Senator from Massachusetts quoted from Lawrence, as follows:

Before a formal recognition by sending ambassadors and entering into treaties by foreign powers, there should be a practical cessation of hostilities on the part of the old state which may long precede the theoretical renunciation of her rights, and there should be a consolidation of the new state so far as to be in a condition of maintaining international relations with other countries, an absolute bona fide possession of independence as a separate kingdom, not the enjoyment of perfect and undisturbed tranquillity—a test too severe for many of the oldest kingdoms—but there should be the existence of a government acknowledged by the people over whom it is set, and ready to prove its responsibility for their conduct when they come in contact with foreign nations.

That is a very correct statement. The Senator then said:

The same doctrine is declared in *Historians* 1, page 9, by Sir William Vernon Harcourt, in his publication at the time of our civil war:

"Recognition of the independence of a revolted state is only lawful when such independence is de facto established."

Mr. President, that is what I have been contending for. The Senator then said:

W. E. Hall, who I take it is the first of the English authorities and one of the most recent on international law, says:

"Assuming that the recognition of the Spanish-American republics by the United States and England may be taken as a typical example of recognition given upon unimpeachable grounds, and bearing in mind the principle that recognition can not be withheld when it has been earned, it may be said generally that—

"(1) Definitive independence can not be held to be established, and recognition is consequently not legitimate, so long as a substantial struggle is being maintained by the formerly sovereign state for the recovery of its authority; and that

"(2) A mere pretension on the part of the formerly sovereign state or a struggle so inadequate as to offer no reasonable ground for supposing that success may ultimately be obtained is not enough to keep alive the rights of the state and so to prevent foreign countries from falling under an obligation to recognize as a state the community claiming to have become one.

"In a note of Dana's to Wheaton's International Law he says that the tests which should determine the recognition of a foreign state are 'the necessities of the foreign recognizing state and the truth of the facts implied that the state treated with was at the time in the condition de facto of an independent state.'" (Extract and note from W. E. Hall's International Law, Pt. II, Ch. I, p. 93.)

Mr. President, I am not going to contend, and I never have contended, that we were under obligation at any time, until we felt that it was to our interest so to do, to recognize any state. We illustrated that in our treatment of the South American republics where the revolution began in 1810, and we only recognized them in 1821 or 1822. I have not looked up the exact date, but I think it was perhaps in 1822. During all that time, Mr. President, those South American republics had maintained themselves against Spain. It is true they had not all the time maintained stable governments. Some of them had stable governments for a few months, and then they would change by revolution; but all the time they were against Spain, and during that whole time they never consented that Spain had any authority over them. Because of their frequent changes of a constitutional character and of rulers we deferred for more than ten years the recognition of those states. In the case of Texas we did the same thing; but I called attention to that the other day and will not repeat it.

Now, I come to what the Senator from Massachusetts concludes the law is. I am very sorry the Senator is not here. He said:

I will not multiply citations from writers on international law. I think it is perfectly clear to anyone who has examined the subject that they all unite in the proposition that the question of the recognition of a new state, whether formed originally or by separation from another state, is a question for the sole determination of the recognizing power, that it is not necessarily in any sense an act of war, and that it may be done with a strict observance of neutrality.

It is not necessarily an act of war, I will admit, Mr. President, and when the conditions which the world has declared are the prior conditions to recognition exist, it is not even a violation of neutrality; but until those conditions do exist all the authorities from Demosthenes down to the present time are in favor of the position I have taken, that it is a breach of neutrality—and a breach of neutrality, of course, is an act of war.

A gentleman in Boston who is known very well, I think, to most members of this Senate, Mr. Moorfield Storey, delivered a lecture on the 5th of December before the Massachusetts Reform Club. He makes a quotation from a speech made by Sumner, which I have not had the time to verify by examining the Congressional Globe because my attention was only called to this speech yesterday; but I know Mr. Storey to be a man of high character, and I assume that the quotation is correct. I very rarely use any quotation without verifying it if it can be done. Now, I am going to read what Charles Sumner said:

The conclusion, then—

Said Mr. Sumner—

is clear. To justify recognition it must appear beyond doubt that *de facto* the contest is finished and that *de facto* the new government is established secure within fixed limits. These are conditions precedent, not to be avoided without open offense to a friendly power and open violation of that international law which is the guardian of the world's peace.

Mr. President, I appeal from the junior Senator from Massachusetts on this question of law and logic to Charles Sumner, his predecessor.

The Senator from Massachusetts has given us a great many other quotations, which I am not going to attempt to read—because I do not desire to continue this discussion to any unreasonable extent—except, perhaps, one or two of them, to which I will call the attention of the Senate. The Senator from Massachusetts said:

Practically the same doctrine is found in a note of Mr. Jefferson, Secretary of State, to Mr. Morris, November 7, 1792 (MSS. Inst. Ministers):

"It accords with our principles—"

He says—

"to acknowledge any government to be rightful which is formed by the will of the nation substantially declared."

But, Mr. President, that does not disprove the position I have taken. That is directed simply to the question of the regularity of a government *de facto*. I have gone over all of these quotations, and I am free to say that I can not quite understand why the Senator used some of them, for it seems to me they are directly against his proposition. It is not a question simply for the recognizing government to determine when they will recognize another power unless it shall be asserted, which I am prepared to hear very soon, that international law can be set aside whenever it is disagreeable to enforce it. That was pretty nearly the doctrine of the great powers of Europe immediately after the Napoleonic wars; but it never was accepted in the United States, and our Supreme Court in various cases, which I shall not attempt now to cite or to present, but will hope to do so before I get through, has repeatedly declared that international law was just as binding upon the world as a statute law was binding upon the nation that had enacted it. Judge Marshall so declared on several occasions, and Judge Story declared that no one nation could change international law; that it could only be by the consent of all the world that either an extension or a limitation of recognized international law could be made. International law is the law of this country, binding the executive and legislative branches of the Government alike.

The Senator from Massachusetts quotes Hall. I am somewhat familiar with his work, and it is a very good work, but its chief value consists in the fact that he has kept himself in line with the old authorities on this subject and has not attempted to bring in any new doctrines. I want to read what he says about recognition:

When a state has itself recognized the independence of a revolted province it can not pretend that recognition by other states is premature. When it has not done so, it may often be possible for it to bring the conduct of other states into question, and to argue that recognition has not been justified by the facts.

That can not be true if it is within the province, without any limit or restriction upon it, of a nation to simply recognize a government whenever it sees fit. I know, of course, that there is no tribunal to call that state in question except the tribunal of public opinion of the world, which just now we are hearing from. Our conduct in this Panama matter is being very unpleasantly criticised in different parts of the world.

And where any color exists for such an assertion, the state which has recognized an insurgent community is placed in a false position. Until independence is so consummated that it may reasonably be expected to be permanent, insurgents remain legally subject to the state from which they are trying to separate. Premature recognition, therefore, is a wrong done to the parent state; in effect, indeed, it amounts to an act of intervention. Hence great caution ought to be exercised by third powers in granting recognition, and, except where reasons of policy interfere to prevent strict attention to law, it is seldom given unless under circumstances which set its propriety beyond the reach of cavil. (Hall, pp. 89-90.)

For, though no state has a right to withhold recognition when it has been earned, states must be allowed to judge for themselves whether a community claiming to be recognized does really possess all the necessary marks, and especially whether it is likely to live. Thus, although the right to be treated as a state is independent of recognition, recognition is the necessary evidence that the right has been acquired. (Hall, p. 87.)

* * * The right of independence is so fundamental a part of international law, and respect for it is so essential to the existence of legal restraint, that any action tending to place it in a subordinate position must be looked upon with disfavor, and any general grounds of intervention pretending to

be sufficient, no less than their application in particular cases, may properly be judged with an adverse bias. (Hall, International Law, p. 282.)

A circular issued by the Russian Government when England and France suspended diplomatic relations with Naples in consequence of the inhumanity with which the Kingdom was ruled, is not without value in itself, and is of especial interest as issuing from the source from which it came. "We could understand," it says, "that as a consequence of friendly forethought one government should give advice to another in a benevolent spirit; that such advice might even assume the character of exhortation; but we believe that to be the furthest limit allowable. Less than ever can it now be allowed in Europe to forget that sovereigns are equal among themselves, and that it is not the extent of territory but the sacred character of the rights of each which regulates the relations that exist between them. To endeavor to obtain from the King of Naples concessions as concerns the internal government of his State by threats, or by a menacing demonstration, is a violent usurpation of his authority, an attempt to govern in his stead; it is an open declaration of the right of the strong over the weak. (Note, Hall International Law, p. 289.)

I have an extract from Bowen on International Law. He says:

The recognition of a neutral nation of revolters as belligerents should not be based on sympathy, but on justice and law, both of which require that revolters should not be recognized as belligerents until they have effected a political organization capable of performing the duties of a nation and of meeting the responsibilities of one, and have shown that their rebellion is in fact a war and conducted according to the rules of war. (P. 135 of H. W. Bowen on International Law.)

The recognition of belligerency is a step that may properly precede the recognition of the independence of a government.

Woolsey, who is supposed to be an authority upon this question, lays down the rule that there can be no recognition of a government as long as there is evident doubt whether a government is a fact.

If the question is still one of armed strife, as between a colony and a mother country, or between a state and a revolted portion of it, to take the part of the colony or of the revolted territory by recognition is an injury and may be a ground of war, as when Louis XVI recognized the United States; but every nation must decide for itself whether an independent state be really established, and needs not to wait until the party opposing the revolutionary effort has accepted the new order of things. (Woolsey, International Law, p. 41.)

Of course, I do not mean that it would have been necessary, before we recognized Panama, to wait until Colombia should have said she recognized it, if she had all the attributes of a state—a stable government and ability to maintain its authority over its people and discharge its international obligations.

What I am about to read is not from any authority. It is my view of international law. I am going to read one page of what I have written out—which I rarely do—because I want to be sure that I state it correctly.

Every State having the recognition of the nations of the world, or of any considerable part of them, may be considered as a nation *de jure* without reference to the character of its government or the length of its existence.

We became a State *de jure* long before Great Britain recognized our independence, and we have always dated our existence, not from the treaty of peace, but from the Declaration of Independence, while in all proceedings in reference to us, in the courts and everywhere else, Great Britain has dated our origin as a nation from the treaty of peace.

A new people, by revolution or by secession or otherwise, separating itself from the parent state, seeking admission into the community of states, may not have such recognition as entitled it to be known as a *de jure* government; but if it has a governmental organization and has the approval of the people and the ability to maintain itself against the parent state and is able to discharge its international obligations as a nation, it becomes a *de facto* government, and will, by lapse of time or by the recognition of other nations, become a nation *de jure*.

When a people struggling for independence has reached the condition of a government *de facto* it is ordinarily entitled to recognition of its independence. But other nations may still refuse recognition, for it may be that the parent state will yet be able to destroy this *de facto* government and again establish its authority.

That is a question for each state to determine for itself, but it must have the character I have mentioned.

Most authorities on international law have insisted that other governments wait until it is apparent that the parent state can not subdue its rebellious subjects. This delay may be because of sympathy with the parent state, or it may arise from a wish to avoid the hostility of such state, for a premature recognition of such independence is considered an unfriendly act.

All Europe recognized the belligerency of the Confederate States, and France wanted to recognize their independence, as did a large and influential class in Great Britain. The final outcome of the civil war shows that such recognition of independence would have been a mistake on the part of France or Great Britain.

Most of us remember the threat made by a certain class in Great Britain that England would recognize the independence of the Confederacy. Some of our people complained very seriously when they recognized its belligerency, but as a question of law I do not believe the belligerency of the Confederate States was recognized by any nation before the conditions justified it.

Mr. SPOONER. We recognized it first.

Mr. TELLER. I am not certain we did at first, although practically we did; but not openly. But in our treatment of them we recognized practically their belligerency by the exchange of prisoners.

Mr. SPOONER. By the proclamation of the blockade.

Mr. TELLER. Yes; the blockade of itself is such a declaration, except in extreme cases, and except, according to the new doctrine which has been recently brought into the world, of a pacific blockade, to which I have never yet been able to give my consent. I am glad to say that the best modern authorities declare that there is no such thing as a pacific blockade. A blockade must be accompanied with force, and force against an independent nation is war.

Mr. President, I have a few remarks on the subject of intervention. I understand that the Senator from Wisconsin [Mr. SPOONER], who has stepped out and who I hope will be back in a moment, said that there had been no intervention in this case; that there had been recognition of independence, but no intervention. If I know what intervention means, and if I do not I shall be glad to have some Senator interrupt me to tell me, we did intervene.

Mr. SPOONER entered the Chamber.

Mr. TELLER. The Senator from Wisconsin has returned. I do not want to do the Senator any injustice. In his absence I stated that I understood him to say that there had been no intervention in this case. I desire to insist that there has been intervention. And intervention does not necessarily mean that you go there with an army. Anything that obstructs and hinders the parent state from taking such steps as states are entitled to take is an intervention. It may be by a proclamation, it may be by threat, or it may be by armed force. The only difference is that one is intervention and the other armed intervention.

Lawrence, in his Principles of International Law, lays this down:

The right of independence conferred by international law upon each fully sovereign member of the family of nations involves, as we have seen, complete liberty on the part of every state to manage its affairs according to its own wishes. It may change its form of government, alter its constitution, form its alliances, and enter upon its wars according to its own views of what is just and expedient. But sometimes it happens that another state or a group of states interferes with its proceedings, and when it is engaged in internal turmoil or external conflict endeavors to compel it to do something which, if left to itself, it would not do or refrain from doing something which, if left to itself, it would do. Interference of this kind is called intervention. History teems with instances of it. It has been undertaken on various pretexts and justified by the most diverse reasonings. In every case of it the burden of proving justification rests upon the intervening power, for it is in its very nature an infringement of the independence of the state subjected to it and therefore a violation of an acknowledged principle of international law.

I call the attention of the Senate to that. If there is any justification of the intervention, then it is for the intervenor in the case to give the reasons that bring him within the rule, which is an exceedingly close one; and I think it is utterly impossible in this case to bring it within the rule.

Let us first distinguish intervention from other forms of interference which might possibly be confounded with it; and, having done this, we shall then be in a position to discuss whether it is ever justifiable; and if so, under what circumstances.

The essence of intervention is force, or the threat of force, in case the dictates of the intervening power are disregarded. It is, therefore, clearly differentiated from mere advice tendered by a friendly state without any idea of compulsion; from mediation entered upon by a third power at the request of the parties to the dispute, but without any promise on their part to accept the terms proposed, or any intention on its part to force them to do so; and from arbitration, which takes place when the contestants agree to refer the dispute to an independent tribunal and consent beforehand to abide by its award, though it possesses no power to compel obedience to its decisions.

That is all that is needed to make intervention.

There can be no intervention without, on the one hand, the presence of force, naked or veiled, and, on the other hand, the absence of consent on the part of the combatants. There have been instances where one party to the dispute has asked for the intervention of a third power; but if both parties agree in such a request, the interference ceases to be intervention and becomes mediation. Should the mediating state find the parties unwilling to accept its proposals and decide to compel them by force of arms, its action would then lose the character of peaceful mediation and assume that of warlike intervention. (Lawrence, Principles of International Law, pp. 115-116.)

Every state is bound to respect the independence of its neighbors as a fundamental principle of international law; but a regard for its own safety is still more fundamental, and if the two principles clash, it naturally and properly acts upon the latter. The doctrine that self-preservation, or the preservation of what is more precious even than life, overrides ordinary rules is in no way peculiar to the law of nations. * * * (Lawrence, p. 117.)

But we must note carefully that the danger must be direct and immediate, not contingent and remote; and, moreover, it must be sufficiently important in itself to justify the expenditure of blood and treasure in order to repel it. The mere fear that something done by a neighboring state to-day may possibly be dangerous to us in the future if that state should happen to become hostile is no just ground of intervention. If it were, nations might always be at war to-day to prevent war fifty years hence! Further, the cause which justifies intervention must be important enough to justify war. Governments constantly submit to small inconveniences rather than resort to hostilities; and an evil which is not sufficiently grave to warrant a recourse to the terrible arbitrament of battle is not sufficiently grave to warrant intervention. (Lawrence, p. 118.)

Will somebody tell me whether the desire to build the canal, if there had been no other place on the face of the earth where we could build one, was enough to justify intervention, without

further consideration and further treatment, or effort to treat, with Colombia? Mr. President, it seems to me that answers itself.

Demosthenes, who was a lawyer as well as an orator, said this:

He that makes or contributes such things whereby I may be taken, though he neither strikes me nor throws a dart at me, is mine enemy. (Grotius, 533.)

He was then speaking nationally and not individually.

Augustus Caesar said:

That city hath lost its right to peace that receives and protects an enemy. (Grotius, 533.)

John Quincy Adams, when Secretary of State, said, referring to the revolt of the South American republics against Spain:

There is a stage in such contests when recognition without a departure from the obligations of neutrality is allowed. It is the stage when independence is established as a matter of fact so as to leave the chances of the opposite party to recover their dominion utterly desperate.

That goes with recognition. In his Law of Nations Twiss quotes this rule:

A state can not be lawfully required to renounce any of her natural rights against its free will. (Lampredi: Du Commerce des Neutres, par. 6, edition of 1802.)

This is cited with approval by Twiss, page 432.

A requirement of that kind by a sovereign power is an act of war. The offended state may not go to war, but it is an act of war under the law of nations, which justifies the nation called upon to surrender its rights to go to war if it sees fit.

Colombia has the right, under the law of nations, to compel the seceding province, or state, whatever it may be, to submit to its dominion, if it can. Nobody anywhere pretends that that is not from any standpoint a justifiable war, according to the definition that old Grotius laid down at the beginning of the treatises on international law.

Colombia being a State, saying nothing of our relation to Colombia, with which country we were at peace, and Panama seceding, or attempting to secede, what were our obligations? Our obligations, then, were to remain neutral between Panama and Colombia.

Story, in the Supreme Court of the United States, laid down the rule as follows:

We can not interfere to the prejudice of either belligerent without making ourselves a party to the contest and departing from the practice of neutrality. (See Santissima Trinidad, 7 Wheaton, p. 283.)

Twiss says:

When a government has notice of an insurrection it has three alternatives: It may assist the government *de jure*, or it may assist the insurgents, in either of which cases it becomes a party to the war; or it may be impartial, treating the *de jure* government as an independent power, while it treats the insurgents as a community entitled to the rights of war against its adversary. (Twiss, p. 490.)

Mr. President, I read from Hall, but there was one page I omitted:

Prima facie intervention is a hostile act, because it constitutes an attack upon the independence of the state subjected to it. (Hall International Law, p. 281.)

The grounds upon which intervention has taken place, or upon which it is said with more or less of authority that it is permitted, may be referred to the right of self-preservation, to the right of opposing wrongdoing, to the duty of fulfilling engagements, and to friendship for one of two parties in a state. (Hall International Law, p. 283.)

* * * The state which is subjected to intervention has either failed to satisfy its international duties or has intentionally violated them. It has done or permitted a wrong to obtain redress for which the intervening state may make war if it chooses. If war occurs, the latter may exact as one of the conditions of peace at the end that a government shall be installed which is able and willing to observe its international obligations. And if the intervening state may make war a fortiori, it may gain the same result in a milder way. When, however, the danger against which intervention is leveled does not arise from the acts or omissions of the state, but is merely the indirect consequence of the existence of a form of government or of the prevalence of ideas which are opposed to the views held by the intervening state or its rulers, intervention ceases to be legitimate. * * * (Hall International Law, p. 283.)

Mr. President, it can not be contended by anybody that our right to intervene there existed from anything that Colombia had failed to do. If we had such a right, without the consent of Colombia, it must have been a treaty right, which I will show before I get through that we did not have.

Continuing, this author says:

* * * Supposing the intervention to be directed against the existing government, independence is violated by an attempt to prevent the regular organ of the state from managing the state affairs in its own way.

I submit that now to Senators who tell me there has been no intervention in the conduct of our Government. Hall continues;

Supposing it, on the other hand, to be directed against rebels, the fact that it has been necessary to call in foreign help is enough to show that the issue of the conflict would without it be uncertain, and consequently that there is a doubt as to which side would ultimately establish itself as the legal representative of the state. If, again, intervention is based upon an opinion as to the merits of the question at issue, the intervening state takes upon itself to pass judgment in a matter which, having nothing to do with the relations of states, must be regarded as being for legal purposes beyond the range of its vision. (Hall International Law, p. 291.)

Mr. President, some authorities do not treat it as mildly as that.

Our courts have rendered decisions upon this question. Judge Marshall said:

The court is bound by the law of nations, which is the law of the land.

That will be found in 9 Cranch, pages 388-423.

Our courts have held that an act of Congress should never be construed to interfere with international law or to violate mutual rights if it can be construed otherwise. (See *Charming Betsey*, 2 Cranch, 64, 118.)

In the case of *Paquette Habana v. The Lola* (175 U. S. Rept., 677) Justice Gray said:

International law is a part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction as often as questions of right depending on it are duly presented for their determination.

Judge Strong, in the case of *The Scotia*, reported in 14 Wallace, at page 170, said:

Undoubtedly no single nation can change the law of the sea. * * * Like all the laws of nations, it rests upon the common consent of civilized communities.

I wish to call attention to the statement I made the other day that our intervention was an act of war, which was denied. Davis says:

International law is essentially conservative in character. It recognizes an existing state of affairs and opposes and is slow to recognize changes effected by violent and revolutionary methods. Interference in favor of insurgents is never sanctioned, and when undertaken by a state is equivalent to a declaration of war against the state within whose territory the rebellion exists.

That is from an American writer and an American officer. That is the law recognized throughout the civilized world, and no other law could be recognized. It is not possible that the powers of the earth would allow interference in a case of that kind without war. What would we have done in the civil war—I do not care if we did have on our hands the greatest war of modern times, if not in all history—if any government had interfered so as to give help to the other side or injury to us? It would have meant war.

Davis continues:

Not only is armed interference in behalf of insurgents not justifiable, but the furnishing of any assistance, direct or indirect, or even a failure to strictly observe neutral obligations, is a just cause of offense. * * *

A just cause of offense in international law means a just cause of war. That is exactly what Demosthenes declared a long time ago, and it has been the rule of conduct for nations ever since.

Again Mr. Davis says:

From the definition of a state it is clear that any interference between a state and its subjects is opposed to the fundamental principle of international law. It should be an event of the rarest occurrence, and would be justified only in cases of the greatest emergency. (Elements of International Law, by George B. Davis, pp. 102, 103.)

And the emergency which is laid down by all writers is not of interest, is not of advantage, but of absolute self-defense.

Davis continues:

* * * It has been said that a perfect right of a sovereign state can be invaded or denied only at the risk of war, and, in so far as international law is concerned, a state is legally justified in regarding the denial of such a right as a sufficient cause for war. The question of determining whether a particular cause of offense is or is not sufficient to justify war is strictly internal in character, and concerns the offended state alone. * * * (Davis, pp. 272, 273.)

When we said to Colombia "You must not attempt to reestablish your authority over the seceding State of Panama," it was as much a declaration of war as if Congress had declared it, so far as the laws of nations are concerned. She had a right to resent it, and if we had ever said it as to England or France or Germany or Russia or Austria-Hungary it would not have been theoretical war, but it would have been actual war.

While it is technically true that a violation of a perfect right is regarded as a just cause for war, it is true only because no other remedy is provided for the violation by a state of a rule of international law. * * * (Davis, p. 273.)

The right of declaring war is an essential attribute of sovereignty. (Davis, p. 279.)

Yet we said to Colombia, "You can not declare war against this seceding State."

Hall lays down this doctrine:

Treaties of guaranty are agreements through which powers—

Mr. FAIRBANKS. May I interrupt the Senator from Colorado? The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. I do.

Mr. FAIRBANKS. When did we make to Colombia the statement to which the Senator has just adverted?

Mr. TELLER. We made it on the 2d day of November, and we have been making it ever since. I supposed that was one of the things which is admitted.

Mr. FAIRBANKS. If the Senator can turn to the communication in which that statement was made, I shall be obliged to him.

Mr. TELLER. If the Senator has not read it or heard it read two or three times, I will read it again.

Mr. FAIRBANKS. I will be glad if the Senator will do so.

Mr. TELLER. Certainly. This is addressed to the American ship *Nashville*, dated Washington, November 2. There was no war then, no insurrection, no disorder even; but we had been notified that there was likely to be a revolution, and that meant war. I said the other day, and I repeat, that there would have been no war, no insurrection, nor would there have been secession, nor attempted secession, if it had not been for that declaration. Doctor Amador said the other day, if the newspapers can be relied upon, that there would have been no secession of Panama if it had not been understood that they would have the support of the United States.

NAVY DEPARTMENT,
Washington, D. C., November 2, 1903.

[Translation.]

NASHVILLE, care American Consul, Colon:

Maintain free and uninterrupted transit. If interruption threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, either at Colon, Porto Bello, or other point. Send copy of instructions to the senior officer present at Panama upon arrival of *Boston*. Have sent copy of instructions and have telegraphed *Dixie* to proceed with all possible dispatch from Kingston to Colon. Government force reported approaching the Isthmus in vessels. Prevent their landing if in your judgment this would precipitate a conflict. Acknowledgment is required.

DARLING, Acting.

Just before that dispatch was received 400 Colombian soldiers had been landed, and Commodore Hubbard reports to the President that he did not receive this dispatch until after they had landed, or else they would not have been allowed to land. They were told by the Government officials down there—and it will not be denied by the State Department—that they could not exercise the functions of an armed force there; that if they did the Government of the United States would interfere.

The same day the *Marblehead*, one of our war vessels, was at Acapulco, on the Mexican coast, and here is the Department's dispatch:

NAVY DEPARTMENT,
Washington, D. C., November 2, 1903.

GLASS, *Marblehead*, Acapulco:

Proceed with all possible dispatch to Panama. Telegraph in cipher your departure. Maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force, either Government or insurgent, with hostile intent, at any point within 50 miles of Panama. If doubtful as to the intention of any armed force, occupy Ancon Hill strongly with artillery. If the *Wyoming* would delay *Concord* and *Marblehead*, her disposition must be left to your discretion. Government force reported approaching the Isthmus in vessels.

What government? Colombia, of course.

Prevent their landing if in your judgment landing would precipitate a conflict.

DARLING, Acting.

In God's name, for what purpose did they suppose Colombia was sending soldiers there if it was not to maintain their jurisdiction over that land? Of course they knew they were coming there and that their landing would precipitate a conflict, and the President says, "There shall be no conflict: you shall not assert your rights here by force of arms." I hope the Senator is satisfied with that.

Mr. FAIRBANKS. The Senator has complied with my request. I do not put the same construction upon it, however, if I may interrupt the Senator.

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. TELLER. I do.

Mr. FAIRBANKS. I understand that it is directed to maintaining free and uninterrupted transit—

Mr. TELLER. The Senator knows—

Mr. FAIRBANKS. The Senator addresses himself to me, and will allow me?

Mr. TELLER. Certainly; I will let you answer.

Mr. FAIRBANKS. Under the duty and obligations that were imposed upon us under the treaty of 1846.

Mr. TELLER. The Senator knows, and everybody else knows, that it went beyond that.

Prevent the landing * * * within 50 miles of Panama.

Your Administration was not satisfied to put your men on the line of the railroad or to let Colombia do what she had an unquestioned right to do and do it herself, as she had a duty to do, as you have admitted.

Mr. FAIRBANKS. If the Senator will allow me to interrupt him—

Mr. TELLER. I will.

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. TELLER. I do.

Mr. FAIRBANKS. The telegram suggesting that the troops shall not be allowed to land within 50 miles of Panama never was known to the Colombian Government, and was never known beyond the officer who received it until the dispatch came to the Senate. Now, it seems to me, the President had discretionary

power to adopt such precautionary measures as in his judgment were necessary to preserve the peace of the transit across the Isthmus.

Mr. TELLER. Ah, Mr. President, there is no use of making any pretense about this. Everybody knows that it was not for the purpose of the protection of that line of railroad. It was for the purpose of maintaining the so-called Government of Panama. Everything that occurred down there, every act of the Government before and every act of the Government since, justifies me in that assertion here. Senators may insist that the President had discretion. I deny that he had any discretion, and before I get through I am going to show that he had no discretion. Suppose Colombia did not know what that dispatch was; it did know that it was not allowed to land troops or to use those it had landed before the dispatch was received.

Now, Mr. President, that brings me back. It is said that we have the right to intervene, and yet you deny that we have intervened. That is, you say we have the right to put our troops there. Mr. President, we had not the right to put our troops there under this treaty and under the construction we have put upon it ourselves from time to time, unless Colombia asked us to come there or Colombia failed to protect the transit. She did neither. She had no opportunity to do either. You prevented her from doing either, and by all the rules of decency, let alone the rules of war, you are estopped now from saying that she would not have done it. Why, Mr. President, there is not a tribunal under God's heaven that would allow that plea to be set up after the act of the Government of the United States, when it said: "You shall not come within 50 miles of that railroad with a force that may be necessary to protect the transit across the Isthmus."

Mr. President, I say that this guaranty never authorized us to put a soldier on the Isthmus of Panama without the consent of the Government of Colombia, and it never was understood at any time up to 1903, and then it was so understood because there was an intention to dismember Colombia for our financial advantage. It does not make any difference whether the President of the United States says it was for our safety or for our interest. It was for our interest possibly, and possibly not, but it was in violation of the well-established rule that you could interfere only when you had a positive right to interfere by a treaty, or else a necessity for self-preservation. In this case neither of those facts existed. Our Government has declared on several occasions that we were not required to interfere in an insurrection, and, if not required to interfere, certainly we had no right to interfere until there was an absolute physical necessity for such interference. That has not existed up to this hour, and it would not have existed if we had kept our hands off, because Colombia would have taken care of that incipient, one-horse revolution without our aid.

Mr. President, on Friday I read the terms of the treaty of 1846. I do not care to read it again. I assert here there was no obligation on us, nor did Colombia give us any right to put our men there except with her approval and consent, or at her request. We recognized that to be a proper construction of this treaty, not only up to the 3d of November, but to the present time, even now, when we say under the treaty it is the duty of Panama as the successor of Colombia to carry out the provisions of that treaty and maintain the integrity of travel across that route.

I stated the other day that where a guaranty was made it was made upon the well-established rule that the guaranty was not to be attempted until called upon by the government to which the guaranty was given. That has been decided, Mr. President; decided by us; decided by other countries. Mr. Hall says:

Treaties of guaranty are agreements through which powers engage either by an independent treaty to maintain a given state of things or by a treaty or provisions accessory to a treaty to secure the stipulations of the latter from infraction by the use of such means as may be specified or required against a country acting adversely to such stipulations. (Hall's International Law, p. 342.)

The author here cites the case of the treaty between France and Russia by which they guaranteed to each other the integrity of their possessions and also the treaty of 1856 by which England, Austria, and France guaranteed the integrity of the Ottoman Empire. Then he says:

In the two former cases (above cited) a guarantor can only intervene on the demand of the party or, where more than one is concerned, of one of the parties interested, because the state in favor of which the guaranty had been given is the best judge of its own interests, and as the guaranty purports to have been given solely or at least primarily for its benefit, no advantage which may happen to accrue to the guaranteeing state from the arrangements to the preservation of which the guaranty is directed can invest the latter power with a right to enforce them independently. (Hall, pp. 343-344.)

Mr. President, we have never attempted heretofore to intervene there except by the request of Colombia, by her consent, or by her subsequent approval. I think perhaps there is one case where some marines were landed and subsequently Colombia approved and thanked us. It is said now by Senators that since this trouble

Colombia has asked the Government of the United States to interfere. Colombia has the right under that treaty to ask that.

When a nation guarantees to another to do certain things that nation may say to the guaranteeing nation, "Now, carry out your guaranty." But under the pretense of carrying out that guaranty I venture to say that in the whole history of the world there is no other case where a nation has used that guaranty as a subterfuge and a cover under which to dismember an independent government—destroy the sovereignty of that government which it had guaranteed to protect.

Mr. President, in this day there ought to be as much honesty and decency among the nations of the world as at any other time in its history. I challenge any man on this floor to find a single case in the whole history of the world where a government has attempted what our Government attempted in this case, and you can not escape it, Senators, by saying that it was to police this line of railroad. If you do not know better, the world knows better, and to-day in Europe the best papers of Europe are criticizing us and declaring that it was an act contrary to international law and contrary to the very words of our treaty.

Mr. President, I have referred to Mr. Moorfield Storey's article. I have looked these matters up, and I am going to read a few things in it. I called attention on Friday to the fact that if any disagreement arose between that power and us by the very stipulation of that treaty we were not to go to war. We did not wait to see whether Colombia was willing and able to discharge her duties or not, which we had done heretofore, but we promptly seized that land, and we seized it as much in law as if we had landed 50,000 soldiers there to combat the Colombian soldiers when they came.

Two Attorneys-General, both Bate and Speed, declare that we were under no obligation to police that line of railroad. Now, here is what Mr. Seward said. This was written November 9, 1865. It is to our minister at Bogota:

DEPARTMENT OF STATE,
Washington, November 9, 1865.

To ALLAN A. BURTON, Esq., etc., Bogota.

SIR: The question which has recently arisen under the thirty-fifth article of the treaty with New Granada, as to the obligation of this Government to comply with a requisition of the President of the United States of Colombia for a force to protect the Isthmus of Panama from invasion by a body of insurgents of that country has been submitted to the consideration of the Attorney-General. His opinion is that neither the text nor the spirit of the stipulation in that article, by which the United States engages to preserve the neutrality of the Isthmus of Panama, imposes an obligation on this Government to comply with a requisition like that referred to. The purpose of the stipulation was to guarantee the Isthmus against seizure or invasion by a foreign power only.

I know that has been questioned, and I have heard it said that probably we were under obligations even in a case of civil war. But, Mr. President, if we were, if Colombia had put us in that position, then Colombia had surrendered a part of her sovereignty. The rule everywhere in the construction of treaties is laid down that that is one of the things that shall never be presumed, and unless the treaty is so specifically exact that no other conclusion can be made, it will not be held that the Government intended to surrender full control, or to concede to any other power any right of sovereignty within its jurisdiction:

It could not have been contemplated that we were to become a party to any civil war in that country by defending the Isthmus against another party. As it may be presumed, however, that our object in entering into such a stipulation was to secure the freedom of transit across the Isthmus, if that freedom should be endangered or obstructed, the employment of force on our part to prevent this would be a question of grave expediency to be determined by circumstances. The Department is not aware that there is yet occasion for a decision upon this point.

Your dispatches to No. —, inclusive, have been received.
I am, sir, etc.,

WILLIAM H. SEWARD.

Mr. President, we made a treaty. I can read it from Moorfield Storey's little work easier that I can hunt up the treaty in several books that are here, but I have the treaty here before me.

In 1857 we made another treaty with Colombia, or with New Granada rather. There had been some trouble, and Colombia, New Granada, or whatever you may call it (it is the same thing, because the treaty is recognized as going with the territory), complained that we had done some damage we were not entitled to do down there—that we had caused some trouble—and the matter was finally settled by a treaty.

Mr. CARMACK. What was the claim?

Mr. TELLER. They claimed of us and we claimed of them. In 1857 we made a new treaty. That is not in this last compilation of treaties. I had to send and get the treaty. It is an old treaty.

The first article of this treaty—

Mr. Storey says—

uses this language:
"All claims on the part of * * * citizens of the United States upon the Government of New Granada, * * * and especially those for damages which were caused by the riot at Panama on the 15th of April, 1853, for which the said Government of New Granada acknowledges its liability arising out of its privilege and obligation to preserve peace and order along the transit route."

There is a plain declaration, eleven years after the making of the other treaty, that that was the obligation on New Granada and not on us, and to this hour we are under no obligation until at least Colombia fails and asks us to do what she confesses she can not do. Then, as Secretary Seward says, it becomes a question to be determined by the circumstances whether we ought to intervene there even by request. April 30, 1866, Secretary Seward wrote our minister at Bogota as follows:

The United States desire nothing else, nothing better, and nothing more in regard to the State of Colombia than the enjoyment on their part of complete and absolute sovereignty and independence.

He did not think that she had surrendered any of her independence.

If those great interests shall ever be assailed by any power at home or abroad, the United States will be ready, cooperating with the Government and their ally, to maintain and defend them.

Secretary Fish said, October 27, 1873:

This engagement, however, has never been acknowledged to embrace the duty of protecting the road across it from the violence of local factions. Although such protection was of late efficiently given by the force under the command of Admiral Almy, it appears to have been granted with the consent and at the instance of the local authorities. It is, however, regarded as the undoubted duty of the Colombian Government to protect the road against attacks from local insurgents. The discharge of this duty will be insisted upon.

Secretary Bayard said:

On several occasions the Government of the United States, at the instance, and always with the assent, of Colombia, has, in times of civil tumult, sent its armed forces to the Isthmus of Panama to preserve American citizens and property along the transit from injuries which the Government of Colombia might at the time be unable to prevent. But, in taking such steps, this Government has always recognized the sovereignty and obligation of Colombia in the premises, and has never acknowledged, but, on the contrary, has expressly disclaimed, the duty of protecting the transit against domestic disturbance.

Mr. President, who knew best, Cass, Fish, Bayard, or Hay? I prefer to take either one against the opinion of the present Secretary of State. President Cleveland said, in 1885, in his December message:

Emergencies growing out of civil war in the United States of Colombia demanded of the Government at the beginning of this Administration the employment of armed force to fulfill its guaranties under the thirty-fifth article of the treaty of 1846 in order to keep the transit open across the Isthmus of Panama. Desirous of exercising only the powers expressly reserved to us by the treaty, and mindful of the rights of Colombia, the forces sent to the Isthmus were instructed to confine their action to "positively and efficaciously" preventing the transit and its accessories from being "interrupted or embarrassed." The execution of this delicate and responsible task necessarily involved police control where the local authority was temporarily powerless, but always in aid of the sovereignty of Colombia. The prompt and successful fulfillment of its duty by this Government was highly appreciated by the Government of Colombia and has been followed by expressions of its satisfaction. The restoration of peace on the Isthmus by the reestablishment of the constituted Government there being accomplished, the forces of the United States were withdrawn.

They were, of course, our marines who went there, but always in aid of the sovereignty of Colombia.

Mr. PLATT of Connecticut. But not at the request of Colombia.

Mr. TELLER. Not always.

Mr. PLATT of Connecticut. Not then; under President Cleveland.

Mr. TELLER. He does not say it was. Colombia was unable to do it herself, and I suppose she so declared to us. But note the instructions the President gave to our officers.

Mr. President, of the long list of interferences which the President puts in his message almost every case, perhaps, except one or two was at the request of Colombia. They were always with her approbation, and never with her dissent.

I could multiply authorities on this subject, but I want to come to a close as soon as I can. I shall reserve the right, if this debate lasts, at some day, when I see fit to do so, to add something further to this discussion, and I shall not consider myself precluded from the right to do so because I conclude the speech I am now making to-night.

Mr. President, I want to say a few words on the doctrine which the President lays down in his message, which is not new to the rest of the world, but which is absolutely new to us. It is that in the interest of "collective civilization" he may do what he has done. He did not rely upon the treaty; he knew very well that he could not rely upon the treaty; he knew very well that the treaty did not give him that right, although he made a declaration in his message to that effect, from which I dissent. In his annual message to us in December—not the one concerning Panama—where the President enters into a defense of his conduct, he says:

The treaty vested in the United States a substantial property right carved out of the rights of sovereignty and property which New Granada then had and possessed over the said territory.

Mr. President, there is not the slightest foundation on the face of the earth for that claim, and no other man in the United States, I will venture to say, has ever made it. In the long years which have elapsed since that treaty was made and in the conflicts which

have arisen no man has claimed, nor could he claim, and no man had the right to claim, that we had any property right in that line of transit or any right of sovereignty. It was never proposed that we should have any interest in the canal at the time of making the treaty. It was proposed then that Colombia should be given the privilege of granting concessions to anybody that she saw fit. All we demanded of Colombia was that she should maintain neutrality and give us the right of transit, and if she could not maintain it, then we would join her in maintaining it. Every treaty, as I said the other day, which Colombia has ever made with any nation, or any concession that she has ever granted, properly speaking—for they were not treaties—provided for the neutrality of that canal, so that the whole world might be benefited, and not merely the builders thereof. She always recognized our right of transit.

Mr. MORGAN. May I make a statement to the Senator from Colorado on that point? I do not know whether it has escaped the Senator or not.

Mr. TELLER. I shall be very glad to have the Senator do so.

Mr. MORGAN. President Johnson, in the last year of his Administration, sent Caleb Cushing to Colombia to negotiate a treaty for canal privileges through that country. A treaty was negotiated; and it was about as liberal a treaty as we ever could have expected or as any other country has ever received. The treaty was sent to the Senate of the United States and kept under discussion for pretty nearly a year, when it was rejected because it was inadequate.

In the next year President Grant sent General Hurlburt to Colombia to negotiate another treaty. He negotiated one a little broader in its terms than the one which Mr. Cushing had negotiated. That treaty was brought back to the Senate of the United States, and was in like manner disposed of. I can not say that it was rejected, but, at any rate, it was not ratified.

So that, on two occasions since 1846, the Government of the United States has distinctly admitted that it had no treaty rights for a canal by having two treaties negotiated by two of its most prominent men, which were brought here and rejected by the Senate because they were inadequate. That, I think, disposes of the proposition that there was anything in the treaty of 1846 which gave us canal rights.

Mr. TELLER. In addition to that, Mr. President, we have recently had a declaration by the executive department of the Government and by this Senate that we had no such rights there. For what were we treating with Colombia? What did we have a controversy over the treaty for here if we had already a treaty which had given us the right of sovereignty or right in land in Colombia? Remember, Mr. President, nobody ever heard of that until the President of the United States put it in his message. Neither does anybody here believe that to be a fact.

Mr. CARMACK. Mr. President, with the permission of the Senator, I will ask him if we did not expressly recognize the right of Colombia to reject that treaty when we inserted a provision in the law directing the President to go elsewhere if Colombia did not grant us the right to build the canal at Panama?

Mr. TELLER. Of course we did. More than that, Mr. President, does anybody here pretend because Colombia sent a minister here, who made a treaty with us, that there was any moral or legal obligation upon Colombia to accept that treaty? Certainly not, if she is a sovereign state.

What would we have said, Mr. President, if Great Britain had complained when we rejected the fisheries treaty here? What would we have said if she had complained when we rejected the first treaty which came here concerning the canal? Why, Mr. President, there never was anything more preposterous than the declaration that Colombia failed to do what justice required her to do. Who was to determine that? The constitution of Colombia leaves that to the two houses of her Congress, and when one of them had determined that it would not ratify the treaty that was the end of it. The complaint is that the administration of Colombia, the executive, did not bring pressure to bear, as it was brought here, to pass the treaty. Should he have said to the Colombian Congress, "Unless you vote for that treaty there will be withheld from you executive favors?" That is apparently what this Administration thinks was the duty of the administration in Colombia.

Mr. President, it may be that the time will come when on the question submitted by the Constitution to the legislative body of Colombia or to this body, acting conjointly with the President in making treaties, there will be a just cause of complaint if every treaty which comes here shall not be ratified; but it will be a new doctrine.

Colombia had the right to reject that treaty. We were notified early last spring that she was going to refuse to ratify that treaty; and she refused to ratify it upon the ground that by rati-

fyng it she would surrender her sovereignty, which she had not the right to do under her constitution.

Mr. President, I heard something said here one day, and I saw it repeated in the newspapers, to the effect that those who oppose the action of the Administration toward Colombia were holding a brief for that country. Mr. President, I am here, not holding any brief for Colombia, but I am here to say that Colombia acted within her constitutional rights in that matter, and it is a gross violation of the decencies of intercourse between nations of the world to complain when she has acted as she has done. We would not submit to criticism from Great Britain, or from France, or from the combined powers of the world when we had refused to ratify a treaty.

A member of this Administration, one of the Assistant Secretaries of State, went over to New York recently and attended a banquet. I do not know the gentleman, and I confess I am not anxious to make his acquaintance after reading what he there said. In the course of his speech at that banquet Mr. Loomis said:

If the revolution in Panama had not occurred; if the American people, guided by the opinions of its most learned, efficient, and highly trusted engineers, continued to think the Nicaragua route an impracticable one; if the people and Congress of this country had insisted that we wait for a year, or until such time as the politicians at Bogota were ready to negotiate a new canal treaty, etc.

He then goes on to say that the rejection of this treaty was an unfriendly act.

Mr. President, the term "unfriendly act" has a meaning in international law. It means that it is an act of war. What right had this official of the Government to stand up before the world and complain of a nation with which up to this time we are supposed to be in friendly relations, or at least they had given us no cause of grievance of which, according to international law, we had a right to complain. Has it come to this, that when a great nation like ours shall submit a treaty to a weak nation, that nation must ratify it or take the consequences of our disapproval?

It is said that Colombia was warned. The President tells us that Colombia was warned; the Secretary of State tells us that Colombia was warned. Mr. President, will some Senator tell me, under international law, what right we had to interfere for a moment with the consideration by Colombia of that treaty? To do so would have been a gross breach of privilege. It is an absolute violation of the ethics and decencies on the part of one government to interfere with the local affairs of another government.

They were told that if they did not ratify this treaty, something would be done which the friends of Colombia might regret. Mr. President, the Colombians, thank God, stood up and said: "We will not act under that threat although made by the greatest power in the world."

Mr. President, such action on our part was indefensible, and I do not believe anybody here will ever venture to defend it. If anyone should attempt to do so, he could not make any defense in morals or in law which the world would recognize as a proper defense of such a transgression of law and the decencies of the public relations between one nation and another.

The President of the United States, as I read from his message, claims that we have a substantial property right carved out of the rights of sovereignty, etc. Every act of ours since 1846 has shown that that is not a correct statement. Not only have we negotiated with Colombia for rights which we would not have negotiated for if we had already had them in a treaty, but we have negotiated with Nicaragua, and we have passed through this Senate three times bills for the building of a canal, not over the Panama route, but over the Nicaragua route.

If Colombia had any obligation to give us the route, we had an obligation to take it. If so, every time we negotiated for any other route or passed a bill providing for a survey of a different route it was a violation of that treaty. But it is not a fact that Colombia had agreed to allow us to build the canal. She had reserved for herself the sovereignty over it; she had treated with one corporation and another from time to time; and from the time that treaty was made up to the time the French concession was granted, and from that time on, we were in no condition to claim from Colombia any rights there, and we never did, because we knew we did not have them.

If we had supposed that Colombia had ceded either sovereignty or title to this right of way, that would have kept other people from going there, and we were very unfair, at least, to Colombia when we proceeded with the negotiations for the Nicaragua route if we had obligated her to keep that route for us.

I have here a list of the concessions made by Colombia, I have a list of the concessions made by Nicaragua, and I have here a list of the bills that have been introduced here for the last twenty years, but I will not read them. Mr. President, until the Senator from Wisconsin [Mr. SPOONER] put in his amendment there has not been a bill since I have been in this Senate—and that has

been more than a quarter of a century—looking to the building of a canal at Panama.

Mr. PLATT of Connecticut. At Panama?

Mr. TELLER. At Panama. No such proposition has been made here. Bill after bill and bill after bill has come into this Senate and into the House of Representatives and been reported in favor of the Nicaraguan route, but never in favor of the Panama route. We stood by and we saw the French company take possession of the Panama route and spend millions and millions of dollars, and then, when the French company had failed, we turned toward it, as we rightly might have done, and concluded that if we built a canal we would build it there.

Mr. President, I voted for the Panama Canal. I do not pretend to be an authority on canal matters, though I have made some investigations in that line which I had thought enabled me to be somewhat of a judge of such things. I have never believed, as an engineering question, that either the Panama or the Nicaragua route as now proposed could be made successful, or that any plan the engineers have proposed could be made successful, except the De Lesseps plan of a tide-water canal. And that is doubtful, certainly, unless great precaution is taken as to floods.

I said the other day, and I repeat it now, that the consensus of opinion among the best and greatest engineers of the world has been in favor of the Nicaragua route, and even De Lesseps was in favor of that route unless it was proposed to make a sea-level canal. He declared that if it was to be a lock canal, Nicaragua was the best route. I do not know of any respectable authority in the last twenty-five years that has not so declared.

I voted to build the canal at Panama because, in my judgment, no canal built with locks will ever be worth a hundredth part of what it would cost to build it. I voted for it, feeling that if we should some day find, when we had expended three or four hundred million dollars on it, that we had thrown away our money, we might then go to work and cut it down to the sea level and make it a tide-water canal; and to-day, if I had to determine the question whether the canal should be built across the Isthmus of Panama with locks in it, or whether it should be built across the Nicaragua route, I would take the Nicaragua route; but if it was left to me to determine what kind of canal should be built, I would say build a tide-water canal. It may cost six hundred or eight hundred million dollars, and probably it will, but when you have got it built it would be worth something, at least, to the steamships that traverse the sea if it would not be for the sailing ships.

Commodore Maury, who was a great authority on waves and tides and winds, declared that if a convulsion of nature should split that country and make a strait from sea to sea as wide and as deep as the Straits of Dover, no sailing vessel would come from Asiatic regions through it because of the calms on this side. The exact words of Commodore Maury are:

These remarks apply to the approach and departure by sea to or from the Pacific terminus of any route across the Isthmus of Panama or Darien, and even with greater force to the Atrato and others on the South American side of Panama. In short, the results of my investigations into the winds and currents of the sea, and their influence upon the routes of commerce, authorize the opinion which I have expressed before, and which I here repeat, namely, if nature by one of her convulsions should rend the continent of America in twain, and make a channel across the Panama or Darien as deep and as wide and as free as the Straits of Dover, it would never become a commercial thoroughfare for sailing vessels, saving the outward bound and those that could reach it with leading winds. Steamers would and coasters might use it, but homeward-bound vessels in the China, India, or Australian trade rarely.

Pim, an Englishman, who was not only an engineer but a sailor, wrote in 1866 an article that appeared in Van Nostrand's Engineering Magazine of that day, in which he declared that no canal cut through there would ever receive any considerable business by sailing ships coming this way. He detailed his experience, and said that ships had sometimes been three or four months becalmed in those regions and unable to get out. I had the letter of Commodore Maury put in the shape of a document, which any Senator can examine if he sees fit.

That brings me to this question: Is there such a pressing necessity upon us to build the canal at Panama? Why should we do so? The President of the United States says it is Panama or nothing. Why? Simply because he said he would not go to the Nicaragua route; that he believes the Panama route is best, and therefore he is going to foreclose this whole question by making a treaty with Panama.

I will venture a prediction here. The Commission which we sent out came back here with a report in favor of the Nicaragua route on the simple ground of economy. I can produce, I will venture to say here, a dozen reports from distinguished engineers sent out from this country, some by our own Government, to the effect that the Panama route will cost 50 per cent more to build on the same line with locks than it will cost to build the canal at Nicaragua. The Commission of 1876, with General Humphrey at its head, so reported. Other commissions and other engineers have so reported and, I repeat, it is the consensus of opinion of

the engineers of the world that the Nicaragua is the proper route unless it is intended to have a sea-level canal. If the proposition of building a lock canal, whichever route is chosen, had been submitted to the engineers assembled in Paris in 1879, they would have selected the Nicaragua route and not that of Panama. I said the other day that I thought one Englishman and one American were of a different opinion. On looking the matter up, however, I find that the American who was there was a scientist and not an engineer and that every Englishman attending that convention voted in favor of the Nicaragua route, and two committees appointed by that convention declared in favor of the Nicaragua route.

Mr. MORGAN. Will the Senator allow me to make a statement just there?

Mr. TELLER. Certainly.

Mr. MORGAN. De Lesseps, before he went to Panama at all, after he completed the Suez Canal went to Nicaragua when the Congress was in session and made a proposition to pay them a large sum of money for a concession through the Nicaragua route, by way of the San Juan River and Lake Nicaragua. The house voted it. All the members of the senate voted it but one. The President thereupon had a conference with him and with other members of the senate. He said to them: "France is invading Mexico. We do not dare to put ourselves in her power. The United States is our friend. When this canal is built, we want the United States to build it." Thereupon the Congress refused to vote Mr. De Lesseps the concession, and it was after that that he went to Panama.

Mr. TELLER. I was aware of that fact; and I know, too, that he expressed his preference for the Nicaragua route, but said you can not build a tide-water canal there, and we can build a tide-water canal for a sum so insignificant that it does not seem possible that that great engineer ever believed that it could be done. Their proposition was to build the canal for about one hundred and thirty-five or one hundred and forty million dollars. They spent more than that on it, and we propose to pay \$40,000,000 to the French company and \$10,000,000 to the Government of Panama, which makes \$50,000,000, and brings the cost of the canal to a little over \$200,000,000; and it can not be built for that money by many million dollars.

I saw in the public press the other day that it was half built. There is not 25 per cent of it built. It is true, they say, that 36,000,000 cubic yards have been excavated at the great Culebra cut, and there are 43,000,000 more cubic yards to be taken out; but there is the great dam to be built; there are the different locks that are to be built; there are innumerable things to be done; so that when this canal has been built, if you escape with less than three hundred or four hundred million dollars for the building of it, you will do remarkably well, in my judgment.

Mr. DANIEL. Mr. President, may I ask the Senator a question? The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Virginia?

Mr. TELLER. Certainly.

Mr. DANIEL. Is it true that no American engineers have ever surveyed the Panama route?

Mr. TELLER. I do not think that is quite correct. There have been some engineers down there who made a survey, but no American engineer has ever made a calculation, so far as I know, as to the cost of building a canal at Panama.

Mr. MORGAN. The Lull survey was made by Mr. Menocal, as the chief engineer of the party. That survey was made through Panama, and then through Nicaragua. It was a comparative survey.

Mr. TELLER. And they held—

Mr. MORGAN. They reported against Panama and in favor of Nicaragua.

Mr. TELLER. They reported it would cost 50 per cent more to build at Panama than it would at Nicaragua.

Mr. MORGAN. Yes.

Mr. DANIEL. That is the only survey?

Mr. TELLER. I think there have been one or two other surveys. My attention has been called to this and many other things, because I happened to believe that the canal could not be built for the money which they estimated it would require; and I have complained that no engineer, however astute he might be and however well versed in the intricacies of his profession, could determine by the surveys made up to the time the Walker Commission went out exactly what the canal would cost, and that they were practically guesses as to what was to be done. I so feel now. I do not believe that the Walker Commission, when they passed upon the question, had the knowledge or the information or that they had made the surveys which entitled their judgment to the slightest consideration on the part of the engineers of the world. They took the statements of the French engineers, and they made a hasty report, when they found attention was being directed to

the Panama route and in favor of it, provided the French people would take a reasonable sum, which they said was \$40,000,000.

Mr. President, I am going to conclude, not because I have exhausted the subject, not because I have not plenty of material here for a more extensive speech, but because I do not want to abuse the patience of the Senate. If I have given some attention to this subject, I have not given it in the interest of the canal. I do not mean myself to obstruct the canal in the slightest measure or degree. I believe the American people want to build a canal. I believe if they do they are entitled to build it, and if they want to spend four or five or six hundred million dollars to build a canal they are able to do it if any people in the world are.

I am told that since 1898 we have spent in our efforts to civilize the people of the Philippine Islands and to maintain peace and order and fit them for a government not less than \$800,000,000. If we can spend upon such a project \$800,000,000, we can spend a thousand millions to complete a canal that shall give intercourse by the ships of the sea across this continent from the great Pacific to the great Atlantic Ocean. I do not believe there will come to us so great a benefit as the advocates of it believe, but I will give no encouragement to debate or to interference with that work. I only desire that when we build the canal we shall be able to stand before the world and say, "Here is a great enterprise; no other people could have done it without distress. We give it to the commerce and civilization of mankind, and we give it to them with clean hands."

I am more anxious, Mr. President, that the Government of the United States should go before the world as an honest, law-abiding, justice-loving nation than I am that it should glory in the greatest work of human hands. It will not do to say it is in the interest of civilization, and thus acquit ourselves of a violation of international law. You have no right to take Colombia's land in the interest of civilization. That, repeating what I said Friday, is the robber's claim. It is the doctrine that might makes right. We want it, and therefore we take it.

In my early days I remember when three ministers of ours went to a place in Belgium, and when they got together they said the great interest of the American people would be promoted and their safety promoted as well as their interest by the annexation of Cuba to the United States. They said, "We will offer Spain a great price, \$120,000,000. If Spain does not take it, we will take the island. The Government of the United States will be justified in seizing it." Mr. President, that declaration was a shock to the moral sense of the world. It was one of the things which I can remember distinctly, and I have not forgotten that when the Republican party, in its infancy, assembled at its first national convention, it denounced it as a robber plea.

Mr. CARMACK. Secretary Hay once did the same thing in his life of Lincoln.

Mr. TELLER. A Senator before me says that Secretary Hay once did the same thing. We all did it. It was not a partisan question. The whole American people rose up against the manifesto. The conscience of the world was against it, and this doctrine of collective civilization is a repetition of that manifesto then, just as a national necessity now is said to be in the interest of collective civilization.

I ask permission to insert in my remarks that portion of the Republican platform to which I have referred.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Colorado.

The plank from the Republican platform of 1856 is as follows:

The highwayman's plea that "might makes right" embodied in the Ostend circular was in every respect unworthy of American diplomacy, and would bring shame and dishonor upon any government or people that gave it their sanction.

Mr. TELLER. Mr. President, it has been the cry of every tyrant who ever lived that his tyranny was for the good of mankind. When the Holy Alliance met, they made a proposition to the world belying the very purpose for which they had met, belying their intentions, and yet it reads like a leaf out of Holy Writ. Nobody could have complained if they had done what they said they were going to do and if their organization was to carry out the lovely principles which they professed.

Mr. President, I have taken pains to bring it here and I am going to read it. They called the Holy Trinity to witness their sincerity and their honesty. See what they were going to do.

They bound themselves, appealing, as I said, to the Holy Trinity for the rectitude of their purpose—

to exercise their power according to the principles of religion, justice, and humanity; to afford one another on all occasions aid and help; to treat their subjects and soldiers with paternal feeling, and to regard their people as members of a great Christian family, whose guidance was intrusted to them by God. (Woolsey, p. 51.)

Mr. President, with that lie upon their lips, they knew they had organized that alliance to put the fetters upon mankind, not only physically, but mentally, and for a time they threatened the lib-

erty of mankind, and I do not believe I exaggerate when I say that but for the influence of this American Government they would have put the fetters upon men all over the world and kept them there until this day.

Mr. President, in 1792 Austria and France were at war, and Prussia, a nation with no complaint against France for any act that it had done to Prussia, entered into the war, and the King of Prussia issued to the world a statement why he had done so. He felt compelled to do so because the civilized mankind felt that it was an interference which he was not justified in making under the laws of nations. So he told the world why he did it; why Austria and he were contending against France, which was then trying to establish a free government, recognizing the rights of man. He said:

The propagation of principles subversive of social order, which had thrown France into a state of confusion, and the encouragement and even official publication of writings the most offensive against the sacred persons and lawful authority of sovereigns. To suppress anarchy in France; to reestablish for this purpose a lawful power on the essential basis of a monarchical form, and by these means to secure other governments against the criminal and incendiary efforts of madmen. Such the King declared to be the great objects of himself and his ally. (Woolsey, International Law, pp. 49-50.)

Mr. President, if you open the door, that the absolutism of mankind shall not be restrained by international law and every nation may determine for itself what is the interest of "collective civilization," you will take a great step toward returning the world to the condition from which we brought it by our efforts to establish liberty on this continent. It is no little thing when the President of the United States tells you that in the interest of collective civilization he can transcend the well-established rules of law. He may keep himself comparatively within the rules of decency and justice, but will all the rest of the world do so? Do you not believe that if the great Russian autocrat shall be succeeded by a man like some of his predecessors he will use this precedent to justify his march across Asia, the dismemberment of Japan, the destruction of government in China and Korea? And where will he bring it up? Where will he stop? And he will vindicate his conduct by the precedent we have made in the case of Colombia and Panama?

Mr. President, we have made a precedent, and I want to enter my protest here against this precedent. I want to enter it not because I am not a Republican. I want to enter it because I am a Republican. I want to enter it because I am a Democrat, because I am an American citizen, and a believer in American Government and in the principles of its founders. I want to enter my protest and I want the Senate to enter its protest in the interest of mankind, in the interest of all the race, and if we fail to do so we will fail to come up to the high standard which we have set for ourselves and which we have heretofore maintained in the world.

National morality is as essential as individual morality; national justice as individual justice; national righteousness as individual righteousness, and, in my judgment, a nation can no more transcend the great laws of God and man with impunity than can individuals. There will come condign punishment, although it may be generations before it is felt. Step by step violations of constitutional law, of international law, lead you farther and farther away from the great principles upon which the Government was founded and which can be maintained only by strict adherence thereto.

Mr. President, I said when I opened this discussion on my part that it is a great question, the treatment of which may change the whole complexion of the face of the world. For one hundred and twenty-five years we have stood as a beacon light. We brought to suffering Europe relief. We destroyed the doctrine of the divine right of kings by encouraging the revolution in France; and though it was attended with horrors that make the blood run cold, out of it came a liberty and respect for men's rights never before known in the world, and the world was benefited by it.

Of course the whole history of the world shows that the human race has never attained any exaltation which has not come by sacrifice, and it has reached a point now where the whole world looks to us as an exemplar. Heretofore we may say, as the present Secretary of State once said before he was so intently imbued with the doctrine of collective civilization: "We operate our Government upon the Monroe doctrine and the Golden Rule." How much of the Golden Rule, how much of the Monroe doctrine is there in this intervention? And then I hear the answer to it all is: "Oh! we want a canal." Great God! If the canal was given to us and was a hundred times more valuable than it will be, we could not afford to take it at the sacrifice of American honor, American justice, and American righteousness.

Mr. QUARLES. Mr. President, I desire to address the Senate briefly upon this subject.

Mr. CULLOM. Mr. President—

Mr. QUARLES. However, I understand the desire is for an executive session at this time. So with the permission of the

Senate I will proceed to-morrow, and will now yield to the Senator from Illinois.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-two minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 19, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 18, 1904.

COLLECTOR OF CUSTOMS.

William H. Jordan, of Massachusetts, to be collector of customs for the district of Gloucester, in the State of Massachusetts. (Reappointment.)

SURVEYOR-GENERAL.

Eli S. Warner, of Minnesota, to be surveyor-general of Minnesota, his term having expired January 17, 1904. (Reappointment.)

DISTRICT ATTORNEY.

William H. Armbricht, of Alabama, to be United States attorney for the southern district of Alabama, vice Morris D. Wickersham, deceased.

REGISTER OF LAND OFFICE.

W. H. Brown, of Grand Forks, N. Dak., to be register of the land office at Grand Forks, N. Dak., vice George B. Winship, resigned.

RECEIVER OF PUBLIC MONEYS.

Albert A. Roberts, of Heppner, Oreg., to be receiver of public moneys at La Grande, Oreg., vice Asa B. Thomson, removed.

PROMOTION IN REVENUE-CUTTER SERVICE.

Second Lieut. William E. W. Hall to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed Howard M. Broadbent, promoted.

PROMOTIONS IN THE NAVY.

Commander John A. Rodgers to be a captain in the Navy from the 27th day of December, 1903, vice Capt. Charles T. Forse, retired.

P. A. Paymaster George R. Venable to be a paymaster in the Navy from the 3d day of March, 1903, to fill a vacancy created by the act of Congress approved March 3, 1903.

Asst. Paymaster Ervin A. McMillan to be a passed assistant paymaster in the Navy from the 29th day of October, 1903, vice P. A. Paymaster Walter T. Camp, promoted.

Asst. Paymaster Eugene H. Tricou to be a passed assistant paymaster in the Navy from the 4th day of November, 1903, vice P. A. Paymaster Ray Spear, promoted.

PROMOTIONS IN THE MARINE CORPS.

Lieut. Col. Allan C. Kelton to be a colonel in the Marine Corps from the 27th day of December, 1903, vice Col. Robert L. Meade, retired.

Maj. Randolph Dickens to be a lieutenant-colonel in the Marine Corps from the 27th day of December, 1903, vice Lieut. Col. Allan C. Kelton, promoted.

Capt. Charles G. Long to be a major in the Marine Corps from the 18th day of June, 1903, vice Maj. Henry C. Haines, promoted.

First Lieut. Julius S. Turrill to be a captain in the Marine Corps from the 18th day of June, 1903, vice Capt. Charles G. Long, promoted.

POSTMASTERS.

ALABAMA.

Charles Valentine to be postmaster at Clayton, in the county of Barbour and State of Alabama. Office became Presidential October 1, 1903.

ARKANSAS.

Lulu V. Cox to be postmaster at Fordyce, in the county of Dallas and State of Arkansas, in place of John P. Cox, deceased.

John Edwards to be postmaster at Gurdon, in the county of Clark and State of Arkansas. Office became Presidential January 1, 1904.

Adolphus G. Leming to be postmaster at Waldron, in the county of Scott and State of Arkansas. Office became Presidential January 1, 1904.

CALIFORNIA.

Martin C. Beem to be postmaster at Fort Jones, in the county of Siskiyou and State of California. Office became Presidential January 1, 1904.

E. T. Ketcham to be postmaster at Santa Maria, in the county of Santa Barbara and State of California, in place of John Adams, resigned.

John W. Wood to be postmaster at Pasadena, in the county of Los Angeles and State of California, in place of John W. Wood. Incumbent's commission expired January 17, 1904.

CONNECTICUT.

James E. Ballard to be postmaster at Darien, in the county of Fairfield and State of Connecticut. Office became Presidential January 1, 1904.

Merton S. Buckland to be postmaster at West Hartford, in the county of Hartford and State of Connecticut. Office became Presidential January 1, 1904.

Sanford E. Chaffee to be postmaster at Derby, in the county of New Haven and State of Connecticut, in place of Sanford E. Chaffee. Incumbent's commission expires January 18, 1904.

Harry W. Crane to be postmaster at Wethersfield, in the county of Hartford and State of Connecticut. Office became Presidential January 1, 1904.

ILLINOIS.

Edward W. Hilker to be postmaster at Madison, in the county of Madison and State of Illinois. Office became Presidential January 1, 1902.

Frederick H. Richardson to be postmaster at Tampico, in the county of Whiteside and State of Illinois. Office became Presidential January 1, 1904.

Benjamin F. Shaw to be postmaster at Dixon, in the county of Lee and State of Illinois, in place of Benjamin F. Shaw. Incumbent's commission expires January 29, 1904.

INDIANA.

Frank M. Picklerl to be postmaster at Argos, in the county of Marshall and State of Indiana, in place of Frank M. Picklerl. Incumbent's commission expired January 17, 1904.

INDIAN TERRITORY.

Hubbard Ross to be postmaster at Fort Gibson, in the Cherokee Nation, Ind. T. Office became Presidential January 1, 1904.

IOWA.

Thomas J. Ochiltree to be postmaster at Morning Sun, in the county of Louisa and State of Iowa, in place of Thomas J. Ochiltree. Incumbent's commission expires January 23, 1904.

Charlie B. Warner to be postmaster at Central City, in the county of Linn and State of Iowa. Office became Presidential January 1, 1904.

KANSAS.

Frank W. Carroll to be postmaster at Toronto, in the county of Woodson and State of Kansas. Office became Presidential January 1, 1904.

Edward C. Hill to be postmaster at Burr Oak, in the county of Jewell and State of Kansas. Office became Presidential January 1, 1904.

KENTUCKY.

John H. Hankla to be postmaster at Junction City, in the county of Boyle and State of Kentucky. Office became Presidential October 1, 1903.

LOUISIANA.

Rutis Morgan to be postmaster at New Roads, in the parish of Pointe Coupee and State of Louisiana. Office became Presidential October 1, 1903.

Pinckney Weeks to be postmaster at Monroe, in the parish of Ouachita and State of Louisiana, in place of Henry C. Ray, removed.

MAINE.

Jonathan F. Jefferds to be postmaster at Livermore Falls, in the county of Androscoggin and State of Maine, in place of Jonathan F. Jefferds. Incumbent's commission expired January 17, 1904.

MARYLAND.

George W. Evans to be postmaster at Aberdeen, in the county of Harford and State of Maryland, in place of George W. Evans. Incumbent's commission expired January 3, 1904.

MASSACHUSETTS.

Charles F. Hammond to be postmaster at Nantucket, in the county of Nantucket and State of Massachusetts, in place of Charles F. Hammond. Incumbent's commission expired January 17, 1904.

George L. Minott to be postmaster at Gardner, in the county of Worcester and State of Massachusetts, in place of George L. Minott. Incumbent's commission expired January 3, 1904.

MICHIGAN.

Edgar B. Gregory to be postmaster at Jonesville, in the county of Hillsdale and State of Michigan, in place of Edgar B. Gregory. Incumbent's commission expired January 3, 1904.

John P. Scott, jr., to be postmaster at Delray, in the county of Wayne and State of Michigan, in place of John P. Scott, jr. Incumbent's commission expires January 23, 1904.

MINNESOTA.

Edward Chard to be postmaster at Belleplaine, in the county of Scott and State of Minnesota. Office became Presidential January 1, 1904.

William R. Edwards to be postmaster at Tracy, in the county of Lyon and State of Minnesota, in place of William R. Edwards. Incumbent's commission expired January 3, 1904.

Warren D. Harden to be postmaster at Le Roy, in the county of Mower and State of Minnesota, in place of Warren D. Harden. Incumbent's commission expires January 23, 1904.

MISSISSIPPI.

Henry C. Majure to be postmaster at Newton, in the county of Newton and State of Mississippi. Office became Presidential January 1, 1904.

Thomas Richardson to be postmaster at Port Gibson, in the county of Claiborne and State of Mississippi, in place of Thomas Richardson. Incumbent's commission expired January 10, 1903.

MISSOURI.

William Beisner to be postmaster at Lockwood, in the county of Dade and State of Missouri. Office became Presidential October 1, 1903.

Frank A. Hardin to be postmaster at Cabool, in the county of Texas and State of Missouri. Office became Presidential January 1, 1904.

Florence M. Low to be postmaster at Hamilton, in the county of Caldwell and State of Missouri, in place of Eugene S. Low, deceased.

NEBRASKA.

Williams T. Owens to be postmaster at Loup City, late Loup, in the county of Sherman and State of Nebraska, in place of William T. Owens, to change name of office.

Marion E. Richardson to be postmaster at Clarks, in the county of Merrick and State of Nebraska. Office became Presidential January 1, 1904.

Daniel N. Wonder to be postmaster at Blue Springs, in the county of Gage and State of Nebraska. Office became Presidential January 1, 1904.

NEW HAMPSHIRE.

George A. McIntire to be postmaster at Milford, in the county of Hillsboro and State of New Hampshire, in place of George A. McIntire. Incumbent's commission expired January 17, 1904.

NEW JERSEY.

William C. Howell to be postmaster at Blairstown, in the county of Warren and State of New Jersey. Office became Presidential January 1, 1904.

Daniel M. Merchant to be postmaster at Morris Plains, in the county of Morris and State of New Jersey, in place of Daniel M. Merchant. Incumbent's commission expired December 19, 1903.

Thomas Moritz to be postmaster at Glenridge, in the county of Essex and State of New Jersey, in place of Thomas Moritz. Incumbent's commission expired January 18, 1904.

William G. Simpson to be postmaster at High Bridge, in the county of Hunterdon and State of New Jersey, in place of William G. Simpson. Incumbent's commission expired January 3, 1904.

NEW MEXICO.

Charles O. Leach to be postmaster at Portales, in the county of Roosevelt and Territory of New Mexico. Office became Presidential January 1, 1904.

NEW YORK.

Robert G. Anderson to be postmaster at Freeport, in the county of Nassau and State of New York, in place of Robert G. Anderson. Incumbent's commission expires January 23, 1904.

Albert H. Clark to be postmaster at Silver Springs, in the county of Wyoming and State of New York. Office became Presidential January 1, 1904.

Charles H. Cutler to be postmaster at Au Sable Forks, in the county of Essex and State of New York, in place of William Hopkins, deceased.

William J. Guthrie to be postmaster at Philadelphia, in the county of Jefferson and State of New York, in place of William J. Guthrie. Incumbent's commission expired January 18, 1904.

Thomas A. McWhinney to be postmaster at Lawrence, in the county of Nassau and State of New York, in place of Thomas A. McWhinney. Incumbent's commission expired December 13, 1903.

Charles H. Whitson to be postmaster at Briarcliff Manor, in the county of Westchester and State of New York. Office became Presidential January 1, 1904.

NORTH CAROLINA.

Robert S. Templeton to be postmaster at Mooresville, in the county of Iredell and State of North Carolina. Office became Presidential January 1, 1904.

NORTH DAKOTA.

Wallace Galehouse to be postmaster at Carrington, in the county of Foster and State of North Dakota, in place of Wallace Galehouse. Incumbent's commission expired December 13, 1903.

Jens A. Lyngved to be postmaster at Esmond, in the county of Benson and State of North Dakota. Office became Presidential January 1, 1904.

Edwin H. Wiper to be postmaster at Bowdon, in the county of Wells and State of North Dakota. Office became Presidential January 1, 1904.

OHIO.

Harlow N. Aldrich to be postmaster at Elmore, in the county of Ottawa and State of Ohio, in place of Harlow N. Aldrich. Incumbent's commission expired January 3, 1904.

OKLAHOMA.

Charles D. Campbell to be postmaster at Apache, in the county of Caddo and Territory of Oklahoma. Office became Presidential April 1, 1903.

OREGON.

Alonzo M. Woodford to be postmaster at Medford, in the county of Jackson and State of Oregon, in place of George F. Merriman. Incumbent's commission expired January 17, 1904.

PENNSYLVANIA.

Alonzo M. Frederick to be postmaster at New Kensington, in the county of Westmoreland and State of Pennsylvania, in place of Joseph B. Heister, resigned.

Charles Graffin to be postmaster at Catasauqua, in the county of Lehigh and State of Pennsylvania, in place of Charles Graffin. Incumbent's commission expired January 17, 1904.

Everett W. Greene to be postmaster at Patton, in the county of Cambria and State of Pennsylvania, in place of Everett W. Greene. Incumbent's commission expires January 18, 1904.

John J. Mather to be postmaster at Benton, in the county of Columbia and State of Pennsylvania. Office became Presidential July 1, 1903.

George W. Mullen to be postmaster at Dillsburg, in the county of York and State of Pennsylvania. Office became Presidential January 1, 1904.

Daniel W. Reynolds to be postmaster at Reedsville, in the county of Mifflin and State of Pennsylvania. Office became Presidential January 1, 1904.

G. William Riegel to be postmaster at Bethlehem, in the county of Northampton and State of Pennsylvania, in the place of Lewis W. Snyder. Incumbent's commission expires January 18, 1904.

Penroe C. Romberger to be postmaster at Elizabethville, in the county of Dauphin and State of Pennsylvania. Office became Presidential January 1, 1904.

SOUTH CAROLINA.

Edgar E. Poag to be postmaster at Rockhill, in the county of York and State of South Carolina, in place of Cadwallader J. Pride, deceased.

TEXAS.

Lida T. Robinson to be postmaster at West, in the county of McLennan and State of Texas, in place of Austin M. Robinson, resigned.

UTAH.

Lars O. Lawrence to be postmaster at Spanish Fork, in the county of Utah and State of Utah. Office became Presidential January 1, 1904.

Joseph Odell to be postmaster at Logan, in the county of Cache and State of Utah, in place of Robert Murdock. Incumbent's commission expired January 17, 1904.

John Peters to be postmaster at American Fork, in the county of Utah and State of Utah. Office became Presidential January 1, 1904.

VIRGINIA.

William H. Mosby to be postmaster at Bedford City, in the county of Bedford and State of Virginia, in place of William H. Mosby. Incumbent's commission expires February 2, 1904.

WEST VIRGINIA.

America M. Baldwin to be postmaster at St. Albans, in the county of Kanawha and State of West Virginia. Office became Presidential April 1, 1903.

George M. Right to be postmaster at Belington, in the county of Barbour and State of West Virginia. Office became Presidential April 1, 1903.

WISCONSIN.

Horace J. Blanchard to be postmaster at Colby, in the county of Marathon and State of Wisconsin. Office became Presidential January 1, 1904.

Albert L. Fontaine to be postmaster at Grand Rapids, in the county of Wood and State of Wisconsin, in place of Albert L. Fontaine. Incumbent's commission expired February 15, 1903.

Ashley S. Higgins to be postmaster at Markesan, in the county of Green Lake and State of Wisconsin. Office became Presidential January 1, 1904.

Joseph E. Parry to be postmaster at Florence, in the county of Florence and State of Wisconsin, in place of Joseph E. Parry. Incumbent's commission expires January 23, 1904.

Theodore Riel to be postmaster at Burlington, in the county of Racine and State of Wisconsin, in place of Theodore Riel. Incumbent's commission expired January 17, 1904.

Charles W. Tyler to be postmaster at Mellen, in the county of Ashland and State of Wisconsin. Office became Presidential January 1, 1904.

Lansing A. Wilcox to be postmaster at Cadott, in the county of Chippewa and State of Wisconsin. Office became Presidential January 1, 1904.

Buck Williams to be postmaster at Iola, in the county of Wau-paca and State of Wisconsin. Office became Presidential January 1, 1904.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 18, 1904.

AUDITOR FOR POST-OFFICE DEPARTMENT.

Joseph J. McCarty, of Minnesota, to be Auditor for the Post-Office Department.

APPOINTMENTS IN THE ARMY.

Artillery Corps.

Col. John P. Story, Artillery Corps, to be Chief of Artillery with the rank of brigadier-general.

Pay Department.

Col. Francis S. Dodge, Assistant Paymaster-General, to be Paymaster-General with the rank of brigadier-general for the period of four years.

To be major-generals.

Brig. Gen. William A. Kobbé, United States Army, January 9, 1904.

Brig. Gen. Joseph P. Sanger, United States Army.

Brig. Gen. Alfred E. Bates, Paymaster-General.

Brig. Gen. Wallace F. Randolph, Chief of Artillery.

To be brigadier-generals.

Col. Alfred Mordecai, Ordnance Department.

Col. Harry L. Haskell, Third Infantry.

Col. Forrest H. Hathaway, Assistant Quartermaster-General.

Col. Asher C. Taylor, Artillery Corps.

Col. John G. Butler, Ordnance Department.

Lieut. Col. Charles J. Allen, Corps of Engineers.

Lieut. Col. Theodore E. True, Deputy Quartermaster-General.

Col. Frank M. Coxe, Assistant Paymaster-General.

Col. Jacob Kline, Twenty-first Infantry.

Col. William E. Dougherty, Eighth Infantry.

Col. William S. McCaskey, Twentieth Infantry.

PROMOTIONS IN THE ARMY.

Pay Department.

Lieut. Col. Francis S. Dodge, Deputy Paymaster-General, to be Assistant Paymaster-General with the rank of colonel.

Cavalry Arm.

First Lieut. Willard H. McCormack, Eleventh Cavalry, to be captain, December 21, 1903.

Second Lieut. Oscar S. Lusk, Twelfth Cavalry, to be first lieutenant, December 21, 1903.

Infantry Arm.

First Lieut. Joseph L. Gilbreth, Fourteenth Infantry, to be captain, November 21, 1903.

Second Lieut. Nels Dicmann Anderson, Seventh Infantry (now serving under the name of Nels Anderson), to be first lieutenant of infantry, September 23, 1903.

RECEIVER OF PUBLIC MONEYS.

Albert A. Roberts to be receiver of public moneys at La Grande, Oreg.

POSTMASTERS.

CONNECTICUT.

Charles Harris to be postmaster at Westport, in the county of Fairfield and State of Connecticut.

William H. Kenyon to be postmaster at Moosup, in the county of Windham and State of Connecticut.

DELAWARE.

William B. Fleming to be postmaster at Harrington, in the county of Kent and State of Delaware.

ILLINOIS.

Albert Bothfuhr to be postmaster at Grant Park, in the county of Kankakee and State of Illinois.

Walker T. Butler to be postmaster at Sidell, in the county of Vermilion and State of Illinois.

Archibald B. Campbell to be postmaster at Tolono, in the county of Champaign and State of Illinois.

William Clemans to be postmaster at Mansfield, in the county of Piatt and State of Illinois.

Lewis J. Farmer to be postmaster at Tamaroa, in the county of Perry and State of Illinois.

Howard E. White to be postmaster at Fairmount, in the county of Vermilion and State of Illinois.

INDIANA.

Joshua P. Albright to be postmaster at Fremont, in the county of Steuben and State of Indiana.

Charles C. Fesler to be postmaster at Clay City, in the county of Clay and State of Indiana.

IOWA.

Daniel Anderson to be postmaster at Lamoni, in the county of Decatur and State of Iowa.

Wellington H. Gowdy to be postmaster at Corwith, in the county of Hancock and State of Iowa.

MASSACHUSETTS.

George H. Seymour to be postmaster at Monson, in the county of Hampden and State of Massachusetts.

MICHIGAN.

Ralph D. Harris to be postmaster at Almont, in the county of Lapeer and State of Michigan.

George Preston to be postmaster at Grass Lake, in the county of Jackson and State of Michigan.

MINNESOTA.

Clarence J. Buckley to be postmaster at Delano, in the county of Wright and State of Minnesota.

Newton H. Ingersoll to be postmaster at Brainerd, in the county of Crow Wing and State of Minnesota.

Emil Nelson to be postmaster at Albert Lea, in the county of Freeborn and State of Minnesota.

Albert W. Swanson to be postmaster at Royalton, in the county of Morrison and State of Minnesota.

NEBRASKA.

Samuel B. Hall to be postmaster at Ashland, in the county of Saunders and State of Nebraska.

Thomas A. Healey to be postmaster at Milford, in the county of Seward and State of Nebraska.

Leander H. Jewett to be postmaster at Broken Bow, in the county of Custer and State of Nebraska.

John M. Jones to be postmaster at Clay Center, in the county of Clay and State of Nebraska.

John M. Mills to be postmaster at Laurel, in the county of Cedar and State of Nebraska.

NEW JERSEY.

Evan F. Benners to be postmaster at Moorestown, in the county of Burlington and State of New Jersey.

NEW MEXICO.

Thomas W. Collier to be postmaster at Raton, in the county of Colfax and Territory of New Mexico.

NEW YORK.

William B. Adams to be postmaster at Bedford Station, in the county of Westchester and State of New York.

Augustus De Witt, jr., to be postmaster at Maspeth, in the county of Queens and State of New York.

Thomas H. Dickinson to be postmaster at Champlain, in the county of Clinton and State of New York.

Henry E. Harms to be postmaster at Allegany, in the county of Cattaraugus and State of New York.

Alexander M. Harriott to be postmaster at Rye, in the county of Westchester and State of New York.

John Heald to be postmaster at Wappingers Falls, in the county of Dutchess and State of New York.

Austin Hicks to be postmaster at Great Neck, in the county of Nassau and State of New York.

John Hopkins to be postmaster at Hyde Park, in the county of Dutchess and State of New York.

Charles T. Knight to be postmaster at Monroe, in the county of Orange and State of New York.

Hiram B. Odell to be postmaster at Newburgh, in the county of Orange and State of New York.

Samuel H. Parsons to be postmaster at East Hampton, in the county of Suffolk and State of New York.

Edward C. Ripley to be postmaster at Hillburn, in the county of Rockland and State of New York.

De Witt C. Titus to be postmaster at Hempstead, in the county of Nassau and State of New York.

Albert Weed to be postmaster at Ticonderoga, in the county of Essex and State of New York.

NORTH CAROLINA.

John L. Matheson to be postmaster at Wadesboro, in the county of Anson and State of North Carolina.

John L. Phelps to be postmaster at Plymouth, in the county of Washington and State of North Carolina.

OKLAHOMA.

Charles F. Hartrouff to be postmaster at Foss, in the county of Washita and Territory of Oklahoma.

William E. McGuire to be postmaster at Pawhuska, in the county of Osage Nation and Territory of Oklahoma.

J. Ed Van Matre to be postmaster at Leger, in the county of Greer and Territory of Oklahoma.

PENNSYLVANIA.

Crawford H. McGee to be postmaster at Mahaffey, in the county of Clearfield and State of Pennsylvania.

Joseph Moody to be postmaster at Tremont, in the county of Schuylkill and State of Pennsylvania.

John P. Wilson to be postmaster at Manor, in the county of Westmoreland and State of Pennsylvania.

WISCONSIN.

William W. Chapman to be postmaster at Horicon, in the county of Dodge and State of Wisconsin.

Joseph E. Parmelee to be postmaster at West Salem, in the county of La Crosse and State of Wisconsin.

Kirby Thomas to be postmaster at Superior, late West Superior, in the county of Douglas and State of Wisconsin.

Frank Tucker to be postmaster at Princeton, in the county of Green Lake and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

MONDAY, January 18, 1904.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Thursday, January 14, was read, corrected, and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

- S. 2559. An act granting a pension to James Graham;
- S. 2689. An act granting an increase of pension to David M. Kanouse;
- S. 2298. An act granting a pension to P. J. Conway;
- S. 2093. An act granting an increase of pension to Victoria M. Steele;
- S. 880. An act granting an increase of pension to Allen W. (alias Albert) Hall;
- S. 265. An act granting an increase of pension to Frances Gray;
- S. 980. An act granting an increase of pension to Mary Von Kusserow;
- S. 1938. An act granting an increase of pension to Aldridge Patterson;
- S. 2509. An act granting an increase of pension to Abner B. Edson;
- S. 2496. An act granting an increase of pension to Ebenezer Wing;
- S. 1428. An act granting an increase of pension to George Pennington;
- S. 594. An act granting an increase of pension to Finley T. Johnson;
- S. 1954. An act granting an increase of pension to Benton D. Bitner;
- S. 2236. An act granting an increase of pension to James Reed;
- S. 2858. An act granting an increase of pension to Delia B. Stuart;
- S. 2947. An act granting an increase of pension to Thomas Bratton;
- S. 2418. An act granting a pension to Marit Johnson;
- S. 1953. An act granting a pension to Susan Fenno;
- S. 1555. An act granting an increase of pension to Owen E. Newton;
- S. 2712. An act granting an increase of pension to Harriet Billings;
- S. 593. An act granting an increase of pension to William H. Horn;
- S. 1956. An act granting an increase of pension to Seth L. Craig;
- S. 136. An act granting an increase of pension to Mary T. Strickland;
- S. 2440. An act granting an increase of pension to George Olsen;
- S. 2577. An act granting an increase of pension to Albert Marshall;
- S. 2668. An act granting an increase of pension to Alpheus Fawcett;
- S. 1451. An act granting an increase of pension to Mrs. William T. Hord;
- S. 2126. An act granting an increase of pension to Thomas Williams;
- S. 1689. An act granting an increase of pension to Henry H. Houghton;
- S. 2128. An act granting an increase of pension to George A. Seebold;